

operator responsible to the claimant, shall assess the fund for such reasonable costs and expenses. Such determination shall be made within 60 days of the date the claimant submits a petition for the payment of such costs and expenses. The Secretary or court shall take such action as may be necessary to assure that such costs and expenses are paid within 45 days of the date of such determination.

“(2) If an operator pays costs and expenses assessed under paragraph (1) and if the claimant for whom such costs and expenses were paid is determined in a later proceeding not to be eligible for benefits under this part, the fund shall pay the operator the amount paid for such costs and expenses.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only with respect to claims which are filed for the first time after the date of the enactment of this Act and shall not apply with respect to any claim which is filed before such date and which is refiled under section 8 of this Act after such date.

SEC. 7. ADMINISTRATION.

(a) APPEALS TO THE BENEFITS REVIEW BOARD.—No appeal of an order in a proceeding under the Black Lung Benefits Act may be made by a claimant or respondent to the Benefits Review Board unless such order has been made by an administrative law judge.

(b) ACQUIESCENCE.—The Secretary of Labor may not delegate the authority to acquiesce in a decision of a Federal court.

SEC. 8. REFILEING.

Any claim filed under the Black Lung Benefits Act after January 1, 1982, but before the date of the enactment of this Act may be refiled under such Act after the date of the enactment of this Act for a de novo review on the merits.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. BORSKI, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶117.32 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. MURPHY, by unanimous consent, the managers on the part of the House were granted permission until midnight tonight to file a conference report (Rept. No. 102-973) on the bill (H.R. 5482) to revise and extend the programs of the Rehabilitation Act of 1973, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶117.33 ORDER OF BUSINESS— CONSIDERATION OF CONFERENCE REPORT ON H.R. 707

On motion of Mr. DE LA GARZA, by unanimous consent,

Ordered, That it may be in order to consider the conference report on the bill (H.R. 707) to improve the regulation of futures trading, authorize appropriations for the Commodity Futures Trading Commission, and for other purposes, on Friday, October 2, 1992, or any day thereafter; that all

points of order against the conference report and against its consideration be waived; and that the conference report be considered as having been read when it is called up for consideration; *Provided, however*, that consideration of the conference report shall not be in order unless it shall have been available for not less than two hours.

¶117.34 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5427. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate insisted upon its amendments to the bill (H.R. 5427) “An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes” and requested a conference with the House on the disagreeing votes of the two Houses thereon, and appointed Mr. REID, Ms. MIKULSKI, Mr. ADAMS, Mr. BYRD, Mr. GORTON, Mr. BOND, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5678) “An Act making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes.”

¶117.35 MESSAGE FROM THE PRESIDENT—IMPOUNDMENT CONTROL

The SPEAKER pro tempore, Mr. BORSKI, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report seven deferrals of budget authority, totaling \$930.9 million.

These deferrals affect International Security Assistance programs as well as programs of the Agency for International Development and the Departments of Agriculture, Defense, Health and Human Services, and State. The details of these deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *October 1, 1992.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 102-403).

¶117.36 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's

table and, under the rule, referred as follows:

S. 2044. An Act to assist Native Americans in assuring the survival and continuing vitality of their languages; to the Committee on Education and Labor.

S. 2679. An Act to promote the recovery of Hawaii tropical forests, and for other purposes; to the Committee on Agriculture.

¶117.37 BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On September 25, 1992:

H.R. 2194. An Act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities;

H.R. 2850. An Act to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparability Act of 1990, and for other purposes;

H.R. 3654. An Act to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the United States Olympic Committee, to reauthorize and reform the United States Mint, and for other purposes; and

H.R. 5126. An Act to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

H.R. 5373. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5517. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes;

On September 30, 1992:

H.R. 1435. An Act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior;

H.R. 2967. An Act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes;

H.R. 5058. An Act to authorize appropriations for the American Folklife Center for fiscal year 1993; and

H.R. 5399. An Act to amend the United States Commission on Civil Rights Act of 1983 to provide an authorization of appropriations.

H.R. 5428. An Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5630. An Act to amend the Head Start Act to expand services provided by Head Start Programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by particular Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes;

H.J. Res. 553. Joint resolution making continuing appropriations for the fiscal year 1993, and for other purposes;

On October 1, 1992:

H.R. 5503. An Act making appropriations for the Department of Interior and related