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SENATE—*Monday, August 16, 1982*

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Let us pray:

Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, from everlasting to everlasting Thou art God.—Psalm 90: 1-2 RSV.

Almighty God, eternal Father, make Thy presence felt in this place today. Grant that all who do business here may experience a fresh touch from Thee. As the Senators enter into this very full week, help them to have a perspective which sees the parts in light of the whole. Free them from the tyranny of urgency which makes it impossible to see the forest for the trees. Help them not to allow the transitory to obliterate the transcendent. Give them vision which sees the temporary in light of the permanent, the temporal in light of the eternal.

Guide them to decisions which will honor Thee and bless the people. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of the Senate be dispensed with.

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, at the close of business on Friday I believe the Senate adjourned, did it not?

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. And an order was entered to provide that no resolution would come over under the rule and the call of the calendar would be dispensed with?

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. I would remind Members this is a new legislative day as well as a new calendar day.

"IF"

Mr. BAKER. Mr. President, one of my earliest literary recollections is my father's affection for the poetry of Rudyard Kipling. One of Kipling's poems "If" seems particularly appropriate today in light of the urgent business in a fairly short time which we will have to deal with it. I ask unanimous consent that this week's poem "If" be printed in the RECORD.

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

IF—

If you can keep your head when all about you
  Are losing theirs and blaming it on you;
If you can trust yourself when all men doubt you,
  But make allowance for their doubting too;
If you can wait and not be tired by waiting,
  Or, being lied about, don't deal in lies,
Or, being hated, don't give way to hating,
  And yet don't look too good, nor talk too wise;
If you can dream—and not make dreams your master;
  If you can think—and not make thoughts your aim;
If you can meet with triumph and disaster
  And treat those two impostors just the same;
If you can bear to hear the truth you've spoken
  Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to broken,
  And stoop and build 'em up with wornout tools;
If you can make one heap of all your winnings
  And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
  And never breathe a word about your loss;
If you can force your heart and nerve and sinew
  To serve your turn long after they are gone,
And so hold on when there is nothing in you
  Except the Will which says to them: "Hold on";
If you can talk with crowds and keep your virtue,
  Or walk with kings—nor lose the common touch;
If neither foes nor loving friends can hurt you;
  If all men count with you, but none too much;
If you can fill the unforgiving minute
  With sixty seconds' worth of distance run—
Yours is the Earth and everything that's in it,
  And—which is more—you'll be a Man my son!

—RUDYARD KIPLING.

SENATE SCHEDULE

TEMPORARY DEBT LIMIT INCREASE

Mr. BAKER. Mr. President, after the expiration of time for morning business, which will follow on after the recognition of the two leaders, the Chair will be asked to lay before the Senate, House Joint Resolution 520, Calendar Order No. 752, to provide for a temporary increase in the public debt. It is anticipated, Mr. President, that there will be a number of amendments to this bill, which is perhaps the most massive understatement I will utter today. Among them will be at least one and, perhaps, several amendments to deal with abortion.

I continue to hope that we can arrive at an orderly arrangement for debate and the disposition of those amendments by unanimous consent. My efforts in that respect have not succeeded in the last week. Perhaps it will be appropriate to renew a request if some of the differences between the parties can be negotiated. But with or without unanimous consent we are going to have the abortion debate this week, and I expect it will be all of this week. I do not intend to ask the Senate to lay aside the debt limit to go to other matters except as that may be urgently necessary to take up privi-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

leged matters or other matters that may be dealt with in a very short period of time.

IMMIGRATION REFORM AND CONTROL ACT OF 1982

In that connection, Mr. President, I remind Senators also that an order was entered on Friday that no further amendments to the immigration bill would be in order, and that on tomorrow, beginning at 10 o'clock in the morning, 10 record votes will occur, which must be near a record for that hour of the morning in the Senate. The first vote will be 15 minutes in length, and the remaining nine will be 10 minutes in length. That will take most of the morning, so Senators should be here and on tap to begin a series of rollcall votes, a series of 10 rollcall votes, beginning at 10 a.m., with uninterrupted voting, to continue almost maybe until the time we will recess, as we normally do on Tuesday, for the two caucuses.

After that, Mr. President, there will be third reading of the immigration bill, to be followed by final passage.

DEPARTMENT OF DEFENSE AUTHORIZATION—CONFERENCE REPORT

Mr. President, after the immigration bill is completed on tomorrow, it is the intention of the leadership to ask the Senate to consider briefly the Department of Defense authorization conference report. I point out to Senators, however, that even with the several votes on the immigration bill tomorrow and the disposition of that conference report—that is to say the Department of Defense authorization conference report—we will still have time for, and indeed we will be expected to continue the debate on the debt limit, including the abortion amendments if they are offered, as I expect them to be.

(Note.—The text of the Department of Defense Authorizations Conference Report is printed in the House proceedings of today's RECORD.)

Mr. BAKER. Mr. President, Senators should be advised that any day this week may be a late day. I remind my friends and colleagues once more that the 27th of August is our stated adjournment date not the 20th, as is the case in the House of Representatives, and if we have not satisfactorily dispatched our responsibility on the Senate side to deal with important matters, such as the conference reports on the budget, the reconciliation bill, and other matters of that sort, that I will have no hesitation in asking the Senate to remain past Friday. That is not my hope, it is not my wish, but for many days now I have reminded Senators that our adjournment date is the 27th not the 20th. I hope for the 20th, but that is by no means assured.

Now, Mr. President, I think that is all the bad news I will utter at one sitting.

I have no need for the remainder of my time under the standing order, and I ask unanimous consent that any time I have remaining may be used during the remainder of this calendar day.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. BAKER. I yield the floor, Mr. President.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The acting minority leader is recognized.

Mr. DIXON. Mr. President, the minority leader has no request for time, so we reserve the minority leader's time, with an understanding that I will require about a half-minute in routine morning business, and I have been asked by the Senator from Wisconsin that he be allotted several minutes.

Mr. BAKER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. Yes.

Mr. BAKER. Mr. President, if the Senator has no further need for his leader time, is there an order that the Senate will have a period for the transaction of routine morning business at this point?

The PRESIDING OFFICER. That is correct.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for a transaction of routine morning business.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

NEEDED: A STATED ARMS CONTROL POLICY

Mr. PROXMIRE. Mr. President, I want to give credit and encouragement to the Senator from Missouri (Mr. DANFORTH) for the effort he has made in drafting a resolution calling on the President to clarify his arms control and nuclear warfare policies.

A bipartisan group of 21 Senators has signed this resolution and it also has been supported by a distinguished group of arms control experts from several prior administrations.

As a cosponsor of this resolution, I not only want to commend Senator DANFORTH but to reemphasize the importance of the President establishing a public policy for Americans to debate. Unfortunately, one cannot characterize just what the position of this administration is with regard to safeguarding our deterrent, or inhibiting the proliferation of nuclear materials, or in pursuing mutually verifiable arms control treaties. The indecision about what to do with the MX missile; the apparent lack of interest in nonproliferation; the set aside of SALT II and the test ban proposals; all raise concerns about the dedication of this administration to arms control and consistent defense planning.

Delay in our arms control efforts only makes a successful treaty less likely. Delay causes increasing confusion at home and abroad. Delay results in serious questioning about the goals and reliability of American leadership.

From time to time there may be legitimate reasons for delay of arms control proposals. But if that delay turns into a pattern of inactivity, then it symbolizes a much more serious deficiency in our national security planning.

Mr. President, I ask unanimous consent that an article from the New York Times about the Danforth resolution be printed in the RECORD.

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

[From the New York Times, Aug. 12, 1982]

ATOM ARMS POLICY COMES UNDER FIRE

(By Judith Miller)

WASHINGTON, Aug. 11—President Reagan's nuclear arms control policies have come under criticism from a bipartisan group of 21 senators and from six former senior Government officials.

On Monday, Senator John C. Danforth, Republican of Missouri, and his colleagues sponsored a resolution urging Mr. Reagan to clarify his policies and recent actions, which, the measure states, "have caused anxiety at home and abroad."

In addition, the six officials, who are either former directors of the Arms Control and Disarmament Agency or former arms negotiators, said in a statement that they could not support the President's decision to defer talks on a treaty for a comprehensive nuclear test ban. Tests are now banned in the atmosphere, the sea and outer space, but are permitted under ground.

The two moves reflect concern in Congress and in arms control circles over Mr. Reagan's approach to arms control.

The statement of the former officials says his decision last month to postpone talks with Britain and the Soviet Union on a complete test ban "undercuts a national security objective set by President Eisenhower and pursued by every Administration since."

The officials added that the decision also cast doubt on American sincerity in the talks with the Soviet Union on strategic, or long-range, nuclear weapons and other arms issues.

The statement, which was issued by the Committee for National Security a Washington-based group, was signed by four former directors of the arms control agency: William C. Foster, who served from 1962 to 1969; Gerard C. Smith, 1969 to 1972; Paul C. Warnke, 1977 and 1978, and Ralph Earle 2d, 1979 and 1980.

The text was also endorsed by Adrian S. Fisher, who served in 1967 and 1968 as negotiator of the treaty to halt the spread of nuclear weapons, and Herbert F. York, who was negotiator in 1979 and 1980 in the talks on a comprehensive nuclear test ban.

Two former arms control directors did not join in the statement: Fred C. Iklé, who is now Under Secretary of Defense for Policy, and George M. Seignious, who worked for President Carter.

On the Senate Floor on Monday, Senator Danforth called on President Reagan to provide a comprehensive report on United States nuclear weapons policy by Dec. 1. The Senator noted that more than 10 years had passed since the United States and the Soviet Union had ratified an accord in the arms field.

"The Government of the United States must get off the dime," he asserted.

Senator Danforth also chided the Administration for deterring efforts to negotiate a total test ban and for delaying ratification on two other treaties limiting underground nuclear testing until verification provisions could be strengthened.

He said ratification of the two treaties was long overdue and the decision to defer the talks for a complete test ban was tantamount to "throwing years of useful negotiations into the wastebasket" The Senator also maintained that it was inconsistent for the President to pursue the strategic arms talks while opposing a complete ban on testing.

In addition, he said that President Reagan's new policies on stemming the spread of nuclear weapons had created "grave uncertainty about United States weapons policy." Specifically, the Senator called on the President to explain how the relaxation of export controls in nuclear fuel and sensitive nuclear technologies would help halt the nuclear weapons spread.

"Our credibility as a leader in non-proliferation is at stake," Senator Danforth said.

THE MISSING TREATY

Mr. PROXMIRE. Mr. President, just the other day my office received a State Department publication entitled "Treaties in Force." This publication lists and briefly describes all active treaties and other international agreements of the United States. In reading this document, I am encouraged by the noble steps taken by this Nation to help insure peace, stability, fairness, and sound relations with the nations of the world.

Nevertheless, Mr. President, I am very disheartened by the omissions from this book. Omissions that do not result from a failure on the part of the State Department or the printer. But a failure on the part of the Senate, of each and every Member of this body, to assure that fundamental human rights are guaranteed by the fabric of international law.

Mr. President, what could be more appalling than our unwillingness to insure the right of survival to all national, ethnical, racial, or religious groups? What could be more basic?

The argument that genocide is a domestic matter and, therefore, not a proper subject for treatymaking has been consistently and successfully refuted. The history of treaties ratified by the United States shows a long line of areas having a direct impact on subjects of domestic concern, including the Slavery Convention and the Refugee Protocol Treaty. In fact, the Supreme Court in Geofrey against Riggs (1890) stated that "the treaty power of the United States extends to all proper subjects of negotiations between our government and the governments of other nations."

Some critics argue that this treaty exceeds Congress treatymaking authority. Mr. President, in the same 1890 case of Geofrey against Riggs, Justice Field said the only limitation in this area is that which the Constitution expressly forbids, such as the attempt to change the form of the Federal or State government or changing State boundaries without consent. In the case of Missouri against Holland, Justice Holmes ruled that there was no unwritten limitations on the power of Congress to give its "advise and consent" to treaties.

Mr. President, paging through the State Department publication, readers will notice that we have ratified treaties protecting polar bears, whales, and seals. I ask the Senate, why can we not take action in protecting the lives of human beings? Throughout the 34-year history of the Genocide Convention, that question has yet to be answered.

As I have said so many times before, the Genocide Convention does have a place both in the Senate and throughout the world. I urge the Senate to recognize that fact and ratify this statement of profound importance.

S. 2838—FINALITY OF CRIMINAL JUDGMENTS IMPROVEMENTS ACT

Mr. THURMOND. Mr. President, I wish to call up a bill at the desk and introduce it at this time.

The PRESIDING OFFICER. The bill will be read the first time.

The bill, introduced by Mr. THURMOND, for himself, Mr. NUNN, and Mr. CHILES, was read the first time.

Mr. THURMOND. Mr. President, I ask unanimous consent that it be read a second time.

The PRESIDING OFFICER. Is there objection?

Mr. DIXON. Reserving the right to object, Mr. President. Mr. President, on behalf of several Senators, I must object to this request.

Mr. THURMOND. Mr. President, I ask it be put on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. DIXON. Mr. President, reserving the right to object, I do object.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

Mr. THURMOND. Mr. President, today, I am introducing a bill to provide important and long-overdue improvements in Federal procedures for review of State criminal convictions. The time has come to establish reasonable parameters for readjudication of criminal judgments and limit ceaseless relitigation of matters fully and fairly determined by State courts.

Mr. President, in this Congress I have been actively involved in seeking changes in this area. On March 10, 1981, I introduced S. 653, a proposal to modify habeas corpus procedures That measure was referred to the Committee on the Judiciary, and a hearing was held on November 13, 1981. As a result of suggestions made at that hearing, I introduced an alternative proposal, S. 2216, on March 16, 1982. A hearing was held by the full committee on that bill, at which time certain improvements were advanced to clarify the intent of the legislation. The bill I am submitting today has evolved from those hearings and will most appropriately define the scope and function for Federal collateral remedies without jeopardizing the legitimate protection of Federal rights.

The administration has strongly endorsed the reforms embodied in this legislation. Limitation of procedures allowing repetitive review of criminal convictions was recommended by the Attorney General's task force on violent crime and advocated by the National Association of District Attorneys. Representatives of the Association of State Attorneys General and the Conference of State Supreme Court Justices testified in strong support for these proposals. Moreover, Federal judges have been equally emphatic in their calls for more reform. Chief Justice Burger recently urged Congress to consider narrowly restricting the availability of Federal collateral relief stating:

> The administration of justice in this country is plagued and bogged down with lack of reasonable finality of judgments in criminal cases.

More recently, Justice Powell observed:

> The present scope of habeas corpus tends to undermine the values inherent in our Federal system of government. To the extent that every State criminal judgment is to be subject indefinitely to broad and repetitious Federal oversight, we render the actions of State courts a serious disrespect in derogation of the constitutional balance between the two systems.

The measure I am now introducing seeks to restore this constitutional balance between the Federal and State judicial systems.

The primary consideration of these reforms is to recognize the dignity and independent stature of State courts and to insure the finality of criminal convictions. Swift and sure punishment is an essential deterrent of the criminal law, but it is a deterrent that has been weakened by the abuse of habeas corpus petitions. The writ was designed as a shield to protect innocent citizens, but it has become a tool

by which convicted criminals delay punishment and frustrate the judicial process. Adoption of reforms in procedures for Federal review of criminal judgments is a necessary and long-belated step toward regaining public confidence in our criminal justice system.

Justice O'Connor has commented on the need for limiting Federal collateral remedies and the necessity to defer to the results of full and fair State adjudications. She has stated:

If our Nation's bifurcated system is to be retained, as I am sure it will be, it is clear that we should strive to make both the Federal and the State systems strong, independent, and viable. State courts will undoubtedly continue in the future to litigate Federal constitutional questions. State judges in assuming office take an oath to support the Federal as well as the State constitution. State judges do in fact rise to the occasion when given the responsibility and opportunity to do so. It is a step in the right direction to defer to the State courts and give finality to their judgments on Federal constitutional questions where a full and fair adjudication has been given in the State court.

The reforms contained in this proposal would amend title 28 of the United States Code to effect the following changes:

To ordinarily bar consideration by a Federal habeas court of a claim that was not properly raised in State proceedings.

To establish a 1-year limitation period, normally commencing at the time when State remedies are exhausted, for application for Federal collateral relief.

To require deference to State determinations of factual and legal matters that have been fully and fairly adjudicated in State proceedings.

To vest the authority to issue certificates of probable cause for appeal in habeas corpus proceedings exclusively in the courts of appeals.

To clarify that applications for writs of habeas corpus can be denied on the merits without requiring exhaustion of State remedies.

Mr. President, in closing, I wish to remind my colleagues that crime in this country is out of control. The law enforcement authorities need our help—they need stronger laws, stiffer penalties, and more stringent legal procedures. The bill I am introducing is an important step in that direction.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

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

S. 2838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Finality of Criminal Judgments Improvements Act."

SEC. 2. Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) When a person in custody pursuant to the judgment of a State court fails to raise a claim in State proceedings at the time or in the manner required by State rules of procedure, the claim shall not be entertained in an application for a writ of habeas corpus unless actual prejudice resulted to the applicant from the alleged denial of the Federal right asserted and—

"(1) the failure to raise the claim properly or to have it heard in State proceedings was the result of State action in violation of the Constitution or laws of the United States;

"(2) the Federal right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"(e) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 3. Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 4. Federal Rule of Appellate Procedure 22 is amended to read as follows:

"Rule 22. Habeas Corpus and Section 2255 Proceedings

"(a) APPLICATION FOR AN ORIGINAL WRIT OR HABEAS CORPUS.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) NECESSITY OF CERTIFICATE OF PROBABLE CAUSE FOR APPEAL.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, and appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the government or its representative, a certificate of probable cause is not required.".

SEC. 5. Section 2254 of title 28, United States Code, is amended by redesignating subsections "(e)" and "(f)" as subsections "(f)" and "(g)" respectively, and is further amended—

(a) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.";

(b) by adding a new subsection (d) reading as follows:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings."; and

(c) by redesignating subsection "(d)" as subsection "(e)," and amending it to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence.".

SEC. 6. Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"When a person fails to raise a claim at the time or in the manner required by Federal rules of procedure, the claim shall not be entertained in a motion under this section unless actual prejudice resulted to the movant from the alleged denial of the right asserted and—

"(1) the failure to raise the claim properly, or to have it heard, was the result of governmental action in violation of the Constitution or laws of the United States;

"(2) the right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the

exercise of reasonable diligence prior to the procedural default.

"A two year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

HOW THE PRESS GOT IT WRONG IN MOSCOW

Mr. HELMS. Mr. President, as a longtime friend of Dr. Billy Graham, I was concerned—as were a number of his other friends—when I read various press reports about Billy's trip to Moscow in May.

As I say, Mr. President, I have known Billy Graham for many years. Our respective birthplaces in North Carolina are about 20 miles apart. Our families are very close, including our children. I believe I know how Billy Graham thinks, having spent countless hours visiting and talking with him and his family. I know how he feels about America. I know how he feels about Communist tyranny. Thus, when the press reports came in, describing what he was purported to have said in Moscow in May, I was puzzled.

Billy Graham is like the rest of us. There have been times when his views and statements and activities have been misrepresented by the media. I found it comforting, therefore, when I read an article in the June 23 issue of the Christian Century by Edward E. Plowman, entitled "How the Press Got It Wrong in Moscow." Mr. Plowman was traveling with Billy Graham on the trip to the Soviet Union. Mr. Plowman knows what Billy Graham said—he recorded all of Billy's many statements—and he knows what Billy Graham did not say.

Mr. President, I ask unanimous consent that Mr. Plowman's article be printed in the RECORD at this point.

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

[From the Christian Century, June 23, 1982]

HOW THE PRESS GOT IT WRONG IN MOSCOW

(By Edward E. Plowman)

As a journalist who traveled with Billy Graham on his recent visit to Moscow, I am disturbed by the questionable quality of much of the media coverage of that event. A towering exception is John Burns of the New York Times; overall, his reporting was perceptive and right on target.

Normally, I'm defensive when people take potshots at the press, but I feel constrained to set the record straight in this case. Most of the criticism leveled against Graham in the West as a result of his visit rests on distorted and inaccurate reporting. I tape-recorded all of Graham's public talks and almost every one of his many, many press interviews with both Soviet and Western reporters (it was the busiest five-day press schedule of his entire life). It is revealing to compare what he actually said with what he is reported to have said.

For example, contrary to widely published reports, Graham never said or "suggested" that the churches in the Soviet Union have greater freedom, or even as much freedom, as the churches in Great Britain. He neither said nor suggested that there is no religious repression in the Soviet Union, and he nowhere "defended the Soviet policy toward religion" (as a Chicago Tribune reporter asserted).

He did not preach a sermon on Romans 13, exhorting his Baptist listeners to obey the authorities, as numerous newspapers reported. He did not exhibit callousness toward a female demonstrator in the Baptist church or toward the worshipers outside who could not get in.

In reality, he took public exception in a press conference to an Indian clergyman's assessment that the nuclear disarmament conference then in progress dispelled the "myth that there is no religious freedom in the Soviet Union." Graham was the only major speaker at the disarmament conference who spoke up for religious freedom. In his New York Times dispatch, John Burns wrote of Graham: "Although he did not mention the Soviet Union in this context [of a call for religious freedom], it seemed clear that he had the host government primarily in mind when he urged 'all governments to respect the rights of religious believers as outlined in the United Nations universal declaration of human rights.'"

Reporters who followed Graham closely in Moscow could readily agree with Burns' published perception that the evangelist "seemed to steer a careful course between the desire to be gracious to his hosts and the concern to show religious and other opponents of the Soviet regime that he is aware of their plight."

I feel sympathy toward many in the Western press corps in Moscow. A disheartened bunch, they face obstacles and hostility we cannot imagine. One consequence: they have become bitterly anti-Soviet. This trait showed up repeatedly in their coverage of Graham. The vast majority of their questions were actually challenges to him to say something anti-Soviet while on Soviet soil. Ironically, Soviet reporters asked many of the questions that American reporters should have asked.

These Western reporters in Moscow can be persevering. I saw them stand for hours in the rain waiting for Graham to emerge from a private meeting with a communist official about which they were certain he would make no comment. But at other times they were less aggressive, preferring to rely on a wire-service colleague's report or an interview with another journalist. Some reporters who did not see or hear Graham at all nevertheless managed to file major by-lined accounts. In critical instances, this secondhand brand of reporting ended in errors and distortions.

During his hour-long sermon at the Baptist church on the John 5 account of the healing of a paralytic man by Jesus, Graham listed marks of a convert's life. Among other things, he pointed out that a believer is not slothful but is a diligent worker and a good citizen, obeying those in authority over him—an allusion to a verse in Romans 13. A wire-service reporter, one of the few news people who remained throughout Graham's speech, elevated that single phrase to the lead paragraph of his story, suggesting that Graham had made a major point of urging his listeners to submit to government authorities. Other reporters and commentators, not knowing the context, twisted the matter worse by reporting that Graham had preached on Romans 13, urging his listeners to submit to the authorities.

On occasion, television reporters tried to create news. On the day before Graham arrived, they obtained letters to the envangelist from the Siberian Pentecostals who have taken refuge in the American embassy for nearly four years. These letters apparently aired their grievances and called on Graham to intervene with the Soviet government on their behalf. When Graham arrived at the Moscow airport, the reporters tried to thrust the letters into his hand—on camera—and asked for his response to the dissidents. This is hardly the objective journalism I was taught. If reporters choose to be conduits for protest, that is their right. But for reasons of journalistic ethics, they then should step aside and let someone else do the story.

I was also distressed by traces of press hypocrisy. Virtually all the reporters said they were sick and tired of the Siberian Pentecostals in the American embassy. They said that the Siberians had become arrogant, manipulative, and unreasonably demanding, and that they wished their U.S. editors would stop asking for "another story" on the group. Yet some press accounts of the meeting between Graham and the Siberians oozed with righteous indignation that the evangelist hadn't done more for them. (Both the Siberians and the reporters were angry that Graham had insisted the visit be a private pastoral one rather than a media event.)

When you take into account the press foulups, much of the public criticism of Graham disappears. That which remains seems to boil down to this assertion: Graham should have spoken out firmly, clearly and specifically against religious repression in the Soviet Union, and he should have done it publicly.

"Publicly" is the bone of contention. For Graham did raise the issues in private with leaders of the Communist Party. He took with him to those meetings lists of religious prisoners. He discussed the plight of the Siberian Pentecostals and other issues of interest to religious leaders. As with all private negotiations, the details of these talks must understandably remain confidential. It is, of course, too early to see what the outcome of these discussions might be.

But one thing is certain. If Graham had taken a loud, condemnatory stand in his dealings with the Soviets, he would not have been received and listened to by people in power. Noisy diplomacy has its place: raise the issues, keep the pressure on, press for action. Quiet diplomacy also has its place, for it is at this level that one deals with people who are able to effect an outcome. So far, Graham, who chose the path of quiet diplomacy, has been the only Western religious figure to gain entry into Soviet cor-

ridors of power on behalf of the various important concerns of the church.

Most people, including many of Graham's fellow evangelicals, have failed to grasp the full significance of his visit, or to comprehend his strategy. Partly it is the press' fault. How so many seasoned political reporters could miss the important aspects of the story while majoring in minors is beyond me.

Mr. HELMS. Now, Mr. President, I would like for the RECORD to include at this point the text of a statement issued by Billy Graham on May 19, immediately after he returned to the United States from the Soviet Union. I ask unanimous consent that this statement be printed in the RECORD at this point.

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

PRESS STATEMENT BY DR. BILLY GRAHAM
(New York, May 19, 1982)

During the last few weeks I have had one of the busiest—and yet most fulfilling schedules of my entire ministry. I have just returned to the United States from London, where I had the honor of receiving the 1982 Templeton Prize for Progress in Religion. It was awarded in a private ceremony at Buckingham Palace by Prince Philip, and I am deeply grateful to the international and inter-religious panel of judges who selected me for this high honor. As I indicated when the award was originally announced here in New York some weeks ago, I intend to donate the prize money to various projects, including the cause of world hunger, the education of third world students, and evangelistic projects in Great Britain.

Before coming to London I spent about five and a half days in Moscow, where I had the unprecedented opportunity to preach the Gospel of Jesus Christ both publicly and privately on numerous occasions. I went to the Soviet Union at the invitation of the head of the Russian Orthodox Church, with the cooperation of the All-Union Council of Evangelical Christians-Baptists of the U.S.S.R. During my stay in Moscow I was briefly an observer (not a delegate) at a conference of religious leaders from many countries (including the United States) called to discuss the danger of nuclear war. I also had the opportunity to preach the Gospel in an address to the conference.

As you know, various American officials had expressed some concern to me that the conference would be anti-American and unbalanced in its perspective. Although I was not present for most of the conference and had left Moscow before it was over, I have been pleased to note from press reports (such as that in the London Times of May 18) that this apparently was not the case, due in part to the influence of Western participants, especially Americans.

It was a special privilege for me to preach the Gospel in the Moscow Baptist Church on Sunday, May 9. I was informed later that several hundred were not able to get into the church because the church was full. Immediately after the Baptist service I attended the Divine Liturgy of the Patriarchal Cathedral and spoke for these opportunities to preach the Gospel publicly.

In addition to these public meetings, I had a very full schedule of private meetings with various church and government officials. Their hospitality was always very gracious, and in every one of these meetings I had an opportunity to share very openly and directly my convictions as a Christian. Included in my schedule were several meetings with members of the Central Committee of the Communist Party. These were unique opportunities, and although it would not be appropriate for me to reveal the details of some of these private discussions, I can say that I spoke frankly about some of the issues that are of great concern in the United States, such as religious toleration. I also listened to some of their concerns about the tensions between our two nations.

The conference provided a chauffeur driven car, as they did for a number of the religious leaders visiting Moscow for the conference. Many of the press wondered where I was going and whom I was seeing. I packed into those few days more than any five and a half days of my entire life. For example, I met for three hours with the Institute of American-Canadian Studies; I met for one and one-half hours with the leadership of the All-Union of Evangelical Christians-Baptists; I had dinner at the publishing department of the Orthodox Church; a two hour meeting with the Soviet Peace Committee; one and one-half hour meeting with the Council for Religious Affairs; a meeting with some of the Jewish leaders of Moscow including the Chief Rabbi; a private meeting with the Pentecostals in the United States Embassy; and an hour and one-half meeting with Mr. Ponomarev (who wears many hats). He met me as Chairman of the Foreign Relations Committee of the Supreme Soviet. He is also the Secretary of the Communist Party.

Now in various meetings and conferences like this—what would you think we talked about? We rarely ever discussed the weather! We discussed how to improve relations between our two countries; human rights; and on each occasion I had the opportunity to tell them at length about the religious situation in the United States, the growth of evangelicalism, and give my own Christian testimony. I never left one person but what I felt I had proclaimed the Gospel to him. There were many other meetings that I cannot enumerate.

I would not, of course, pretend in the least to be an expert on the Soviet Union after only five and one-half days in Moscow. I received many impressions that I will, I am sure, be reflecting upon for some time to come. However, my primary goal in going to the Soviet Union was to preach the Gospel, as I have done all over the world for many years. I had more opportunities than I ever expected to accomplish this goal.

Finally, I would like to say a few words about the issue of religious freedom in the Soviet Union, since some of my remarks on this subject have apparently been quoted out of context or misconstrued. It is well-known that the Soviet Union closely regulates all organizations and movements, including religion. There are certainly many who by the standards of our society do not have full freedom to express their criticisms of Soviet policy, and are considered lawbreakers if they do. I am well aware that there are prisoners of conscience in the Soviet Union including some who have said they have chosen to resist the law because of religious reasons. Among these are many Jews as well as Christians.

Again, I cannot claim to be an expert. However, my impressions of religious freedom were perhaps most accurately summed up by the headline in the May 14 issue of the International Herald-Tribune which said, "Graham says Russia offers some measure of church freedoms." The article then quotes from a story by John Burns of the New York Times which said: "The 63-year-old evangelist also called directly for religious freedom, by urging 'all governments to respect the rights of religious believers as outlined in the United Nations Universal Declaration of Human Rights.' Mr. Graham also quoted a section of the Helsinki agreement, signed in 1975 by 35 nations, including the Soviet Union, in which governments are obligated to respect freedom of religion and other beliefs. Later Tuesday, Mr. Graham took another action that invited Soviet displeasure when he visited six Soviet Pentecostalists who have been living in the U.S. Embassy basement since 1978." Thus, I have never said there was religious freedom in the Soviet Union.

Freedom is relative. I don't have freedom in the United States to go into a public school and preach the Gospel, nor is a student free in a public school to pray, or a teacher free to read the Bible publicly to the students. At the same time, we have a great degree of freedom for which I am grateful.

In China there are many restrictions and yet leaders in the United States seem to be applauded for going to China. Perhaps less than two hundred churches are open in a population of about one billion. In the Soviet Union there are an estimated 20,000 places of worship of various religions open and each year hundreds of permits are granted for new churches. Most authorities in the field say there are more practicing Christians than Marxists. However, there are clearly restrictions. The Soviet Union is not the United Kingdom or the United States of America—I know that. It is an atheistic society which does not encourage religion—there are many restrictions on every aspect of Soviet society including the church. This is part of their practice and policy. At present, churches have some measure of freedom to hold public worship services on church properties if they agree to abide by government regulations. In many places families are free to teach their children the Bible and to have prayer in their homes. According to most authorities, by the late 1930's churches had virtually ceased to exist as institutions. Compared with that period in Soviet history, we should be grateful for what has happened in allowing some measure of freedom since then. At the same time, I pray that this measure of freedom—limited as it may be by our standards—will increase.

I also had the opportunity to say some of the things I have been saying in New England at various universities about peace. I plainly stated publicly in an address (that will be printed in full here in the United States in "Christianity Today" in its forthcoming issue) that I am not a pacifist and that I am not for unilateral disarmament. However, I am for a negotiated verifiable treaty to ban all weapons of mass destruction and also greatly reduce conventional weapons. Although I intend to continue to speak out on the issue of peace from time to time, I stated publicly in Moscow that I do not intend to become a leader in the peace movement. I intend to continue my work as an evangelist in preaching the Gospel of Jesus Christ in various parts of the world.

Before going to the Soviet Union I prayed a great deal about it and felt that God had led me. Upon my return I feel even more certain that I was doing the will of God. It may be some time before the full results of

my visit can be evaluated, but even the short-term results are gratifying.

Mr. HELMS. Mr. President, what precisely did Billy Graham say on May 11 at the conference in Moscow. The fine publication, Christianity Today, has published the text of Dr. Graham's address.

I ask unanimous consent that this be printed in the RECORD.

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

GRAHAM'S MISSION TO MOSCOW

(By Billy Graham)

(Following is the text of Billy Graham's address, "The Christian Faith and Peace in a Nuclear Age," which he gave in Moscow on May 11, at the world conference, "Religious Workers for Saving the Sacred Gift of Life from Nuclear Catastrophe.")

Your Holiness Patriarch Pimen, Your Eminence Metropolitan Filaret, honorable representatives of the government of the USSR, esteemed delegates, observers, guests, and friends.

I am deeply honored and humbled by the gracious invitation of His Holiness Pimen, patriarch of Moscow and all Russia, and of the International Preparatory Committee and its chairman, His Eminence Metropolitan Filaret, to give this summary address on "The Christian Faith and Peace in a Nuclear Age" to this important world gathering of religious workers, following the panel discussion this morning on "The Responsibility of Religious Workers in Preventing Nuclear Catastrophe."

I recognize that we come to this conference from many different backgrounds—culturally, politically, and religiously. But in spite of many fundamental differences between us, we come together in an atmosphere of mutual respect and concern because we share at least two things in common.

First, regardless of our background, we are all members of the human race, and the problem we are dealing with is one that affects every human on this planet, no matter what his cultural or political or religious views may be.

Second, although we have various religious differences, we share a basic conviction about the sacredness of human life and the need for spiritual answers to the problems that confront humanity.

I speak to you today as a follower of Jesus Christ. I shall never forget when Mr. U Thant of Burma departed as secretary general of the United Nations and a banquet was given in his honor. When the time came for him to speak, he stood and said simply, "Everything I have ever been, or am, or ever hope to be, I owe to Buddha." Not very many of those at the banquet shared his religious beliefs, but they all understood and accepted his commitment. They admired his humble and bold dedication to his religious faith.

I would make a similar statement to you as a Christian, declaring that everything I have ever been, or am, or ever hope to be in this life or the future life, I owe to Jesus Christ. I am sure my fellow Christians at this gathering would say the same. In these few minutes, therefore, I would like to present what I believe to be the Christian's responsibility for peace in a nuclear age as it is found in the Bible.

There is a farm in the central part of the United States. On that farm is a monument marking the exact point of the geographical center of the nation. It is a fixed reference point from which, I understand, all other geographical points in the nation can be measured. Each of us has his reference point, and as a Christian, the reference point by which I measure my life and thought is the Bible, the Holy Scriptures of the Old and New Testaments.

There is no doubt that the world is facing the most critical moment since the beginning of human history. We live in a time that is without parallel, because never before has humanity held in its hands such awesome weapons of mass destruction—weapons that could destroy life on this planet within a matter of hours. The quantum leap in technology has resulted in a quantum leap in our ability to destroy our entire planet. Every thinking man knows that the world is like a powder keg, and if we cannot soon find a way to eliminate this danger of a nuclear catastrophe then we may be writing the obituary of much of humanity. The whole human race sits under a nuclear Sword of Damocles, not knowing when someone will push the button or give the order that will destroy much of the planet.

The possibility of nuclear war, therefore, is not merely a political issue. We must understand, of course, that there are underlying causes and problems that must be removed before the nuclear arms issue will be completely solved, and these issues must be addressed also. These underlying causes have brought about serious political conflicts between nations, and this is not God's intention.

The nuclear arms race is primarily a moral and spiritual issue that must concern us all. I am convinced that political answers alone will not suffice, but that it is now time for us to urge the world to turn to spiritual solutions as well. We need a new breakthrough in how the problem of the nuclear arms race is approached. The vicious cycle of propaganda and counterpropaganda, charge and countercharge, mistrust and more mistrust among nations must somehow be broken. The unending and escalating cycle of relying on deterrents, greater deterrents, and supposedly ultimate deterrents should also be defused. Policies which constantly take nations to the brink of nuclear war must be rejected. We need to turn from our political and ideological conflicts on all sides and moderate them for the sake of sanctity of human life.

I agree with Albert Einstein, who said, "The unleashed power of the atom has changed everything except our way of thinking. We shall require a substantially new manner of thinking if mankind is to survive." Perhaps a conference like this, stressing the spiritual nature of man and the need for spiritual answers to the problems we face, can help bring about that new way of thinking.

Pope John Paul II has stated: "Our future on this planet, exposed as it is to nuclear annihilation, depends on one single factor: humanity must make a moral about-face." But the question that confronts us is, How can this happen? Technologically, man has far exceeded his moral ability to control the results of his technology. Man himself must be changed. The Bible teaches that this is possible through spiritual renewal. Jesus Christ taught that man can and must have a spiritual rebirth.

This leads me to some specific comments about a Christian understanding of peace in a nuclear age.

First, the Christian begins with the Bible's affirmation that life is sacred. "In the beginning God created the heavens and the earth," the Bible declares (Gen. 1:1). The world is not here by chance, nor is human life a biological accident. God brought it all into existence. Furthermore, man occupied a very special place in God's creation, because man alone was created in the image of God. He had within him the character of God himself, and one reason for this was so man and God could have fellowship with each other. Human life is sacred not only because God created it, but because he loves us and desires to have a personal relationship with us. Life is a sacred gift of God, and the taking of human life is an offense to God's original design of his creation. The individual person has dignity before God, and this is a fundamental fact that stresses his uniqueness and underlines his value within society.

Second, the Bible also teaches, however, that man, the creature, has turned his back on God, the Creator. Our first parents deliberately chose to rebel against God, and this has caused chaos in God's world ever since. This rebellion against God is what the Bible calls sin. It cuts man off from God, but it also cuts man off from other men and even brings disorder into his own individual life. Hate takes the place of love; greed takes the place of sharing; the lust for power and domination over others takes the place of service and humility. Instead of peace there is war. The first son of Adam and Eve committed the first act of violence by killing his brother.

We live in a world, therefore, that is distorted and warped by sin. We may not fully understand why God—who is all-powerful and loving—permits evil in this world. But whatever else we might say, it must be stressed that man, not God, is guilty of the evil in the world. It is man who bears the responsibility, because man was given the ability to make free moral choices, and he chose deliberately to disobey God. The world as it now exists is not the way God intended it to be.

From a biblical perspective, therefore, I am convinced that the basic issue that faces us today is not merely political, social, economic, or even moral or humanitarian in nature. The deepest problems of the human race are spiritual in nature. They are rooted in man's refusal to seek God's way for his life. The problem is the human heart, which God alone can change.

During World War II, Prof. Albert Einstein helped bring a German photographer to the United States. They became friends and the photographer took a number of pictures of Einstein. Einstein never liked photographers, and he never liked any picture of himself. But one day he looked into the camera and started talking. He spoke about his despair that his formula, $E=mC^2$, and his letter to President Roosevelt had made the atomic bomb possible, and his scientific research had resulted in the death of so many human beings. He grew silent. His eyes had a look of immense sadness. There was a question and a reproach in them.

At that very moment the cameraman released the shutter. Einstein looked up and the cameraman asked him: "So you don't believe that there will ever be peace?"

"No," he answered. "As long as there will be man, there will be wars."

The Bible says, "What causes fights and quarrels among you? Don't they come from your desires that battle within you? You want something but don't get it. You kill

and covet, but you cannot have what you want. You quarrel and fight" (James 4:1-2, NIV). Jesus declared, "For from within, out of men's hearts, come evil thoughts . . . murder . . . greed, malice, deceit . . . arrogance and folly" (Mark 7:21-22).

I am convinced one of the most vivid and tragic signs of man's rebellion against God's order in our present generation is the possibility of a nuclear war. I include here the whole scope of modern weapons that are able to destroy life—conventional, biochemical, and nuclear weapons. I know that the issue of legitimate national defense is complex. I am not a pacifist, nor am I for unilateral disarmament. Police and military forces are unfortunately necessary as long as man's nature is the way it is. But the unchecked production of weapons of mass destruction by the nations of the world is a mindless fever which threatens to consume much of our world and destroy the sacred gift of life.

From a Christian perspective, therefore, the possibility of a nuclear war originates in the greed and covetousness of the human heart. The tendency toward sin is passed on from generation to generation. Therefore, Jesus predicted that there would be wars and rumors of wars till the end of the age. The psalmist said, "In sin did my mother conceive me." Thus, there is a tragic and terrible flaw in human nature that must be recognized and dealt with. That is why I have come to see that the nuclear arms race is not God's will, and that as a Christian I have a responsbility to do whatever I can to work for peace and against nuclear war.

I have said that life is sacred because God has made it that way, and that man has perverted the gift of life by rebelling against God's will. But does that mean peace is not possible? No! Peace could be possible if we would humble ourselves and learn again God's way of peace.

That brings me to a third point: the word "peace" is used in the Bible in three main ways—much different from the way peace is used in some places.

First, there is spiritual peace. This is peace between man and God.

Second, there is psychological peace, or peace within ourselves.

Third, there is relational peace, or peace among men.

Sin, the Bible says, has destroyed or seriously affected all three of these dimensions of peace. When man was created he was at peace with God, with himself, and with his fellow human. But when he rebelled against God, his fellowship with God was broken. He was no longer at peace within himself, and he was no longer at peace with others.

Can these dimensions of peace ever be restored? The Bible says "Yes." It tells us man alone cannot do what is necessary to heal the brokenness in his relationships—but God can, and has.

The Bible teaches that Jesus Christ was God's unique Son, sent into the world to take away our sins by his death on the cross, therefore making it possible for us to be at peace—at peace with God, at peace within ourselves, and at peace with each other. That is why Jesus Christ is central to the Christian faith. By his resurrection from the dead, Christ showed once for all that God is for life, not death. The Orthodox tradition and its Divine Liturgy especially make central this jubilant and glorious event. The Bible states, "For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord" (Rom. 6:23). The ultimate sign of man's alienation is death; the ultimate sign of God's reconciling love is life.

Throughout all Christendom you will notice there is one symbol common to all believers—the cross. We believe that it was on the cross that the possibility of lasting peace in all of its dimensions has been made. The Bible says about Christ that "God was pleased to have all his fullness dwell in him, and through him to reconcile to himself all things . . . by making peace through his blood, shed on the cross" (Col. 1:19-20). The Bible again says, "For he himself is our peace, who has made the two one and has destroyed the barrier, the dividing wall of hostility . . . He came and preached peace to you who were far away and peace to those who were near" (Eph. 2:14, 17).

The Christian looks forward to the time when peace will reign over all creation. Christians all over the world pray the prayer Jesus taught his disciples: "Thy kingdom come. Thy will be done in earth, as it is in heaven" (Matt. 6:10). Only then will the spiritual problem of the human race be fully solved. Both the Bible and the Christian creeds teach that there will be a universal judgment. Christ will come again, in the words of the ancient Apostles' Creed, "to judge the quick and the dead." But then the kingdom of God will be established, and God will intervene to make all things new. That is our great hope for the future.

Several weeks ago I was at the headquarters of the United Nations. On exhibit there is a magnificent and spectacular statue, which was a gift to the United Nations from the Soviet Union. It shows a man with a hammer, forging a plowshare from a sword, and it is an illustration of the biblical hope found in the words of the prophet Isaiah: "They will beat their swords into plowshares and their spears into pruning hooks. Nation will not take up sword against nation, nor will they train for war anymore" (Isa. 2:4). This ringing hope was also the basis of Patriarch Pimen's July 1981 appeal on nuclear disarmament, which led to this conference.

But in the meantime, God is already at work. The kingdom of God is not only a future hope but a present reality. Wherever men and women turn to God in repentance and faith, and then seek to do his will on earth as it is done in heaven, there the kingdom of God is seen. And it is in obedience to Jesus Christ, who is called in the Bible the Prince of Peace, that Christians are to cooperate with all who honestly work for peace in our world.

When Christ was born, the Bible tells us, the angels sang, "Glory to god in the highest, and on earth peace to men" (Luke 2:14). Jesus declared, "Blessed are the peacemakers, for they will be called the sons of God" (Matt. 5:9). The New Testament urges Christians, "Live in harmony with one another. . . . If it is possible, as far as it depends on you, live at peace with everyone. Do not take revenge" (Rom. 12:16, 18-19). We are to pray for peace, and we—both individually and collectively—are to work for peace in whatever ways God would open up for each of us. Christ came to bring peace, and we are to proclaim the possibility of peace, which the Christian believes is found in Christ.

But some people ask pessimistically, "Can anything really be done for international peace? Is it not already too late?" I would suggest that our responsibility in the world is clear no matter what conditions might be or how late the hour might seem. We must not join with those who stand by and wring their hands, saying all is hopeless. I believe that in spite of the chaos threatening our world there can be hope for our generation and generations to come. We must be realists, but we must also be optimists. When ancient Nineveh was on the verge of destruction, it was saved when the people repented and turned to God.

As a Christian, I have hope for several reasons. For one thing, as a Christian I believe that God is the Lord of all history. He is sovereign and he is able to intervene in human affairs to accomplish his saving and reconciling purposes, no matter how difficult things may seem. We do not live in a world of blind chance. My confidence is in the living God who remains faithful to his purposes and will ultimately accomplish his will for this world which he has created.

I also have hope, however, because I believe it is still possible for us to turn to God and grapple with many of our problems and begin to solve them—as long as there are responsible leaders in the international arena from every area of life who have the dedication and the vision to provide moral and spiritual leadership for our generation. Yes, man often fails, and agreements that are solemnly made in one generation are often broken in the next generation. But that must not lead us to despair.

One of the horrors of World War I was the development and use of deadly poisonous gases that killed and maimed vast numbers of people. Afterward, the nations of the world agreed to ban such weapons, and during World War II the warring parties refrained from using those weapons of mass destruction on the battlefield. Thus it is possible to reach international understandings. And I believe it is the special responsibility of religious leaders who see life as sacred to work toward an international negotiated treaty to vastly reduce or ban today's weapons of mass destruction.

But what specifically can we do? What are the steps people who consider life as sacred can take to be peacemakers in our world, especially those of us who are gathered here today?

It is not my intention today to present a comprehensive plan or procedure for disarmament, for I do not consider myself competent to deal with such a highly technical matter. I also know that any specific remarks on this which I or anyone else here might make could easily be misinterpreted as being biased or political in nature. Our purpose is to rise above narrow national interests and give all of humanity a spiritual vision of the way to peace. All too often religious leaders have accepted war without question as a fact of life by which international disputes are too often settled. In the present nuclear age, however, we must not fall into this psychological trap.

With this in mind, let me suggest five steps that I believe we can and must take if we are to do our part in saving the sacred gift of life from nuclear catastrophe.

1. Let us call the nations and leaders of our world to repentance. In addition to personal repentance, which we all need if we are to be accepted by God, we need to repent as nations and peoples over our past failures—the failure to accept each other, the failure to be concerned about the needs of the poor and starving of the world, the failure to place top priority on peace instead of war, the failure to restrain the international arms race. No nation, large or small, is exempt from blame for the present state of international affairs.

2. Let us call the nations and leaders of our world to a new and determined commitment to peace and justice. For the last several decades the world has witnessed an unprecedented arms race. Would it not be wonderful to have a new race among the nations of the world—a disarmament race—one which is equal on both sides, verifiable, and leads to at least a few generations of peace.

As a Christian, I believe that lasting peace will only come when the kingdom of God prevails. However, let the leaders of our world face the fact that the overwhelming desire of the peoples of the earth is for peace, not war. If a poll were taken of the peoples of the world today you would find, I am convinced, that over 95 percent of the peoples of the world would vote for peace in a nuclear age. Let us urge the leaders of the world to act in accordance with the wishes of the peoples of the world and set nuclear disarmament as the top priority for the rest of this century.

3. Let us call the nations and the leaders of the nations to take specific steps that will lead toward peace. Talk about peace must never become a substitute for actions that will lead to peace. In this connection I would urge three things.

First, I would urge the leaders of the nations, especially the major powers, to declare a moratorium on hostile rhetoric. Peace does not grow in a climate of mistrust in which each side to a greater and greater degree is constantly accusing the other of false motives and hidden actions. Yes, there are fundamental differences of ideology separating our world, and it is unrealistic to assume that these ideologies will be surrendered anytime soon by those who hold them. But the cause of peace is not served when nations refuse to listen to each other's views and to take seriously what is being expressed by the other side. I am encouraged that recently there has been some hint of a lessening in that rhetoric that can only lead to greater suspicion and heightened tensions.

Second, I would urge the leaders of the world to take specific steps to increase trust and understanding among nations and peoples. Often we are suspicious of each other because we do not know each other. Expanded cultural exchanges, student exchanges, educational exchanges, trade relations, tourist travel—all of these can help us get to know one another as people and lead over the years to greater understanding and trust. I include, as a major part of this, opportunities for religious contacts such as we are sharing in the conference. I also think we need to reaffirm our commitment to mutual respect among religions, such as we are practicing here.

In connection with this, we should urge all governments to respect the rights of religious believers as outlined in the United Nations Universal Declaration of Human Rights. We must hope that some day all nations (as all those who signed the Final Act of Helsinki declared) "will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience" (Final Act of Helsinki, section VII).

I also feel it is important for the leaders of the world to get to know one another personally through personal contact. Is it too much to hope for a summit meeting in which the leaders of the major powers do not come together just to sign a prepared document, but simply to get to know one another as human beings?

Third, I would urge the leaders of the world to take specific steps for meaningful negotiations leading to major arms reductions. We should pray for the success of every effort that is made in this direction. We should encourage every initiative that honestly seeks mutual, balanced, verifiable arms reductions among nations. But more than that, we should set before the world the ultimate goal of eliminating all nuclear and biochemical weapons of mass destruction. Several years ago, when I saw the apparent futility of so many negotiations and conferences about disarmament, I came out for what I have called SALT 10—the complete destruction by all nations of the world of all atomic bombs, hydrogen bombs, biochemical weapons, laser weapons, and all other weapons of mass destruction. I know this may be impossible to achieve, but it can be our ultimate goal.

4. Let us call the peoples of the world to prayer. If the peoples of the world would turn to God and seek his will in prayer, it would have a tremendous impact on the issues that face us. As God promised through the prophet Jeremiah, "Call unto me, and I will answer thee, and shew thee great and mighty things, which thou knowest not" (Jer. 33:3).

5. Finally, let us who are assembled here today rededicate ourselves personally to the task of being peacemakers in God's world. As we call upon others to a determined commitment to peace, let us also rededicate ourselves to that same commitment. As we call upon others to take specific steps to work for peace, let us also decide what we can do within our own nations to work for peace. As we call upon others to pray, let us also pray. Let the leaders of our own nations, and the peoples of our own nations, hear our voices as we speak for peace in our world.

I would like to close with this observation. Last Sunday morning His Holiness Patriarch Pimen graciously invited me to attend the Divine Liturgy in the Orthodox Cathedral and say words of fraternal greeting to the congregation and proclaim the gospel. I could not help but recall in my remarks that the date was May 9, the thirty-seventh anniversary of the unconditional surrender in Berlin of the forces of nazism to the Soviet Union and its allies, bringing World War II to an end. I recalled the Soviet Union, more than any other nation in that terrible conflict, experienced death and incredible devastation as a result of that horrible war. I also noted that during the war the great peoples of the Soviet Union and the United States of America were allies, fighting side by side against the common enemy of nazism. We did not agree at that time in our basic ideology, but we united as allies because we faced a common enemy—an enemy so great that our differences faded.

Today, I would suggest we—not only the two great superpowers, the United States and the Soviet Union, but every nation on earth—again face a common enemy. Our common enemy today is the threat of impending nuclear destruction. Is it too much to hope and pray that we can unite in a dedicated alliance against this enemy which threatens to destroy us? May all of us, whether we are from large nations or small nations, do all we can to remove this deadly blight from our midst and save the sacred gift of life from nuclear catastrophe.

Mr. HELMS. Mr. President, again I turn to the publication, Christianity Today, this time for a commentary on Billy Graham's visit to Moscow. I invite Senators' attention to it. It is entitled, "Graham in Moscow: What Did He Really Say?" I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was order to be printed in the RECORD, AS FOLLOWS:

GRAHAM IN MOSCOW: WHAT DID HE REALLY SAY?

What many hoped would be the climax to the life of an evangelist devoted to preaching the gospel has threatened instead to end in tragic rejection by friend and foe alike. Scarcely had Billy Graham arrived in Moscow last month when the quiet warnings of some people rapidly crescendoed to a roar of disapproval. Never before in all his career has the evangelist faced such condemnation from the American press and from evangelical leaders.

Of course, the jury is not yet in with the final word. But in the continuing furor, two quite different questions must be examined: (1) Should Graham have gone to Moscow; and (2) Did he betray his own cause by things he said or omitted saying while there?

These two questions are intertwined. If making this trip of necesssity required such a betrayal, then the answer to the first question is: No, Graham should not have gone.

The evidence, however, does not warrant linking betrayal with his going. Many religious leaders—members of the National Council of Churches, extreme theological liberals, mainline liberals, Southern Baptists (President Bailey Smith, for example), independents, and parachurch leaders (such as Bill Bright)—have all at one time or another visited the Soviet Union. Many Church leaders attended the same conference on nuclear war.

In the past, no one has objected to others undertaking such trips. We must conclude, therefore, that there was nothing inherently wrong or unwise about Billy Graham's visit to Moscow. Given Graham's goals, his priorities, and the promises made to him, we are convinced he chose rightly. Any evangelical with similar goals, priorities, and promises would have—and should have—made the same decision.

But what were his goals? And what assurances did he secure from the Soviets before he went?

First of all, Graham did not go blindly or naively. He realized he would be used. In one interview, he said: "I knew there were risks involved in this mission. I knew I risked being misunderstood and even exploited, but I considered the risk worth taking."

GRAHAM'S GOALS

1. He wanted to preach the gospel publicly at the nuclear conference, at the Orthodox cathedral, at the Baptist church, and privately to Soviet political officials and church leaders.

This he was able to accomplish. In each of these places, Graham presented the claims of Christ to many who had never before heard them and might well never hear again.

2. He wished to plead the case for religious freedom in private meetings with high Soviet officials.

Graham was assured that he would have oportunity to plead the case for the "Siberian Six," the unregistered evangelicals, the registered evangelical churches, and for

freedom of religion in general. This request was honored. He did in fact plead their case in private, and the results are yet to be seen. While direct confrontation has sometimes been effective, it is not the only way to move the Soviets to action. It would seem the act of charity and of wisdom to allow Billy Graham to attempt nonconfrontational, behind-the-scenes diplomacy in an effort to win some relief for the people of Russia who are being persecuted for their religions convictions and practices.

Before he finally decided to make the trip, Graham consulted many world leaders: individuals who are highly knowledgeable about Soviet affairs—including such people as Henry Kissinger, the Pope, scholars, diplomats, and many evangelicals. Their advice, overwhelmingly, was than quiet, nonconfrontational diplomacy would be far more likely to secure concessions for the persecuted in that land that direct confrontation and mass-media exposure.

3. He wanted to warn of the tragic consequences of nuclear buildup and the armament race.

More and more, Graham has become convinced of the horror of nuclear warfare. He sincerely hoped to do something dramatic to bring the world to its senses so that tens of millions—perhaps hundreds of millions—will not be destroyed in a nuclear holocaust. He is not a pacifist. He is not even a nuclear pacifist. He did not argue for any unilateral renunciation of nuclear weapons. Rather, he warned of dire consequences to come if the nations continue their current nuclear buildup and prolong indefinitely the arms race. He called for a negotiated reduction and eventual elimination of nuclear armaments and other weapons of mass destruction. Such disarmament would have to be by mutual agreement, and carried out with adequate means of verification. It is a sane, feasible, and very necessary approach to the persent arms race. It would protect the innocent, yet it would hold out possibilities for great relief to our entire planet, and especially the tax-burdened peoples of Russia, Western Europe, and the United States.

4. He hoped to be permitted eventually to hold preaching missions in large cities throughout the Soviet Union.

Right from the first, this goal did not loom as large for Graham as it did in the public news media. Yet, he is convinced that Soviet leaders are open to the possibility of such a mission. He is still convinced that there is at least a fifty-fifty chance that he will be able to do this. Though Graham is aware that there would be great risk in such an evangelistic tour, he also knows that so far his public and private messages have not been censored. He also knows that many Soviet religious leaders wish such a mission.

Certainly these are worthy goals. No fair-minded person—let alone any evangelical Christian—could object to them.

THE COST TO GRAHAM

But what price did Billy Graham pay to achieve his goals? Was the cost too great, as his critics claim? To gain his ends, did he have to sell his soul? Or, more accurately, did he have to compromise his own integrity as a Christian, as a man who loves justice and freedom, as one who prizes religious freedom above life itself, and who wishes to be a loyal American? What was the price tag for Graham?

He was free to preach his gospel message; he did not have to deny his own precious conviction of freedom. Undoubtedly it was assumed by both sides that he would not make open and public denunciations of Soviet policies, including its repression of political and religious freedoms.

But Graham was not silent about political and religious freedom. In private, he pled the case for the Siberian Six and for the 150 imprisoned pastors. In his public address, he boldly called upon the nations of the world to uphold rigorously the Helsinki agreements. He pled especially for full freedom of religious worship and practice, for without freedom and justice there will be no peace: genuine justice is the foundation for peace. (See the full text of Graham's speech, beginning on page 20.) His one concession on this occasion was not to single out specially, and bluntly condemn, the Soviet Union for its lack of religious freedom.

All of this Graham clearly understood. Yet he thought he could accomplish more through quiet diplomacy and public preaching of the gospel than by openly denouncing the Soviet government for lack of religious freedom. Was that price too great? Billy Graham thought not. We agree. But the decision of others will depend on the relative values each assigns, on the one hand, to preaching the gospel, to quiet behind-the-scenes diplomacy on behalf of freedom, and to the necessity of warning against nuclear war and the armament race, and on the other hand, to the opportunity to speak out publicly in condemnation of Soviet violations of political and religious freedom.

It should not surprise us that many people disagreed with Graham. One leading newsman, who reacted strongly against Graham, denounced him bitterly: "Graham was a dupe—a fool. Mouthing the gospel to Soviet leadership and privately urging them to act contrary to their basic convictions was an utter waste of time. Of course, he could preach his gospel and tell them in private to relax their restrictions against religion. But do you think Graham will convert those Communists or move them to lower their tyrannic grip? Of course not. Graham was a fool to think so. He was duped by them to fit into their propaganda and their Marxist program for nothing in return."

That criticism sums it all up. But Billy Graham believes that God can and does use the frail human preaching of the gospel to transform people. It is not his business to preach the gospel only to likely candidates, but rather to every human creature. Moreover, Graham manages his life and ministry by the long look. The gospel is a time bomb. Working quietly through it, the Spirit of God can overturn nations and civilizations. The first Chiristians rarely mentioned slavery, the rights of women, the gladiatorial shows, and direct governmental involvement in moral rottenness. In time, though, the dynamite of the gospel penetrated the Roman empire and its tyranny.

WAS GRAHAM RIGHT?

The question of whether Graham did the right thing in going to Moscow depends on how highly a person values the proclamation and the power of the gospel. Only time and eternity will reveal the full answer. But at this point we are not prepared to condemn him.

The second and equally crucial question concerns what Graham said in Moscow. Did he, on the give-and-take with the press, inadvertently and foolishly betray his own cause and the cause of freedom? In short, did he play his hand properly and adroitly at every point during his six days in Russia?

Billy Graham would be the last person to claim infallibility for himself. Reflecting upon the outcry that greeted him on his return, he commented: "I am an evangelist—not an expert in church-state relations in the Soviet Union. I regret that some of the statements I made regarding my visit to the Soviet Union were misconstrued and misinterpreted by the media. I care deeply about the plight and suffering of believers everywhere in the world where religious freedoms are restricted, including the Soviet Union. I sincerely regret any public statements which I made that might seem to indicate otherwise."

But we insist that the record be set straight. By taking Graham's words out of the context in which they were spoken and placing them in an alien context of their own concerns, some news people, consciously or even unconsciously, falsified many of Graham's statements. They thus wrongly pictured him as betraying his own deepest convictions.

For example, Graham never advocated a U.S. retreat before Russian aggression. He warned of the awful consequences of the nuclear arms race and called for mutual, negotiated, verifiable disarmament. Likewise he did not ignore publicly the issue of political, social, and religious freedom. Rather, in a most pointed manner, and in a most public way, he called the nations of the world to justice and freedom. He did so in a manner that all understood to be a rebuke of Soviet failures in this regard.

He got no applause when he made this point at the Soviet congress. He was met with only a stony silence. Nor did he declare in answer to direct questions that Russia is a land of religious freedom. He conceded instead—something that implied the opposite—that there was more freedom there than he had thought before going, and more than in today's China, though it is not like the United States. And it is hardly an affirmation of approval to state that a political leader is not so bad as Hitler.

Neither did Graham say there is more religious freedom in Russia than in Great Britain. In a context not of religious freedom but of church-state structures, he pointed out that Britain, unlike Russia or the United States, has a state church of which the queen is the titular head. When someone called to his attention how his words had been interpreted, his response was: "Ridiculous! There is no comparison between the religious freedom in Britain and that in Soviet Russia."

One of the most disturbing comments recorded in the news was Graham's statement, "I have seen no religious persecution during my stay in Russia." Out of context this sounded like a blanket endorsement of religious freedom in Russia. Yet Graham's answer was a reply to a very explicit question: "Have you personally witnessed any religious persecution while you have been here?" Graham later expressed deep regret that he had not cited the Siberian Six. He added: "I recognize that there is a difference between religious fervor, which is great in the Soviet Union, and religious freedom, which is severely restricted. The Soviet Union is an officially atheistic state, and many believers pay a price to follow Christ."

The same can be said for his point that a Christian ought to work hard, be a better citizen, and obey his government. Scripture says all of this. But Graham himself has acknowledged that if he had the chance to do it over again, he would not have referred to these biblical truths in a context where they were liable to be interpreted far beyond what the Scripture passages really mean.

All of us can remember times when we should have said more about something, or

less, or even differently. But we who sit on the sidelines in this classic struggle should be the last to condemn Billy Graham for lack of foresight in offhand comments to one or more newsmen. We should judge him on the basis of his stated goals and the main thrust of his formal messages. An ocean voyage does not make a missionary, and we should not expect a trip to Moscow to make an instant diplomat. After all, Billy Graham is an evangelist.

An even more obvious lesson to be learned from the news coverage of Graham's trip to Moscow is that evangelicals dare not trust the secular news media's coverage of religious news (see News, pp. 46-48, for further illustrations of the dilemma this poses). On the basis of initial reports, many evangelicals were dismayed at what they believed Graham said. Others became angry and violently attacked Graham for betraying the persecuted people of Russia. Among evangelical leaders, Jerry Falwell and Charles Colson stood out for their temperate response. Perhaps their own experiences with a press not careful to get things straight have taught them to be more understanding.

Finally, those of us who believe the gospel of Jesus Christ is the dynamite of God, able to blast away sin and the sinful structures of an unjust society, may indeed regret any slips and the unfortunate infelicities of unplanned spontaneous comments. But we rejoice at the opportunity to preach the gospel—actual and potential—with the hope that the power of the gospel can change the hearts of men, as well as the evil structures of even a Communist society.

Mr. HELMS. Mr. President, on a number of occasions I have observed various attempts to discredit Billy Graham and his remarkable ministry. I confess to a prejudice in favor of my friend, but I am obliged to say that I have never known anyone more dedicated, or anyone with greater intellectual honesty, than Billy Graham.

It appears to be fashionable these days to try to downgrade effective evangelists. Even clergymen have been known to join in what seems to me to be unconscionable attacks on evangelists who are taking the Word of God to millions.

I have found incredible some of the epithets hurled at Dr. Jerry Falwell, for example. Yet who had done more than Dr. Falwell. His critics should go to Lynchburg, Va., and witness five separate services on Sunday when Dr. Falwell's church sanctuary is packed. They should walk around Liberty Bible College. They should examine the countless projects that Dr. Falwell is successfully pushing.

I think also of my friend, Pat Robertson, who is such a remarkably effective evangelist. And then consider the hundreds of thousands to whom Billy Graham regularly preaches—in stadiums, in auditoriums, and by television.

Whatever mistakes they may make—and, after all, they are human—history will record that they have made the most of every opportunity to reach the hearts and minds of men and women, and to lead literally millions to salvation. They deserve better than to be reviled and misrepresented. They deserve our prayers of support.

LINKAGES EDUCATION/EMPLOYMENT EXPLORATION PROGRAM

Mr. DIXON. Mr. President, today I would like to take note of an exceptional project in my home State of Illinois. Known as the "Linkages Education/Employment Exploration Program," or LEFEP, it is designed to promote educational and training services for young people in Madison County, Ill. The program establishes goals for its participants that include educational improvement and familiarization with the employment sector on a personal basis. It is conducted with the cooperation of business, industry, organized labor, and government and currently includes 89 employers.

Mr. President, apparently this approach has much to recommend it. It has achieved mean gains of 1.4 year in reading, 1.2 year in mathematics, and an attendence rate of 94 percent. One-third of the participants elected to return to school on either a part-time or full-time basis when the program concluded and the other two-thirds were hired on either a part-time or full-time basis after their training period.

The project has been funded 100 percent by the Federal Government as 1 of 10 nationwide Vocational Education/CETA Linkage pilot projects to determine the most effective method of educating and training our disadvantaged youth. Locally administered, it has won national recognition in its first year and, now in its second, it is being expanded as employers prove to be competent and effective instructors.

I believe special recognition is due the project director, Shirley Balsingame, and staff of the State board of education, department of adult, vocational, and technical education, who have been cited as largely responsible for the program's success. Their time and dedication have surely brightened the future of many young people as well as the local community.

Mr. President, I am proud that my State can boast of such innovative projects and enterprising individuals and hope that this program serves as an example to all of us as we seek to formulate policies addressing this Nation's educational and occupational problems.

The PRESIDING OFFICER. Is there further morning business?

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended to 1 p.m. under the same terms and conditions as heretofore.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, at 1 p.m., the Chair then will lay before the Senate the debt limit bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I anticipate that, at 1 p.m., I will call up an amendment to that bill, and following on after that I would expect there will be an abortion amendment offered.

Mr. President, I suggest the absence of a quorum,.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LONG-TERM, MONITORED, RETRIEVABLE STORAGE OF NUCLEAR WASTE

Mr. JACKSON. Mr. President. The National Nuclear Waste Policy Act, S. 1662, which passed the Senate by a vote of 69-9 in April of this year, now appears to have a good chance to become a public law in this session of Congress. On August 4, the House Committee on Energy and Commerce ordered a companion bill reported to the full House, and the day when the House could act on this matter may almost be in sight. I congratulate the House Chairmen—JOHN DINGELL, MO UDALL, DON FUQUA and MEL PRICE—on the progress made so far.

I am particularly pleased that both the Dingell and Udall versions of the nuclear waste policy bill contain monitored, retrievable storage (MRS) provisions very similar to those sponsored by Senator JOHNSTON in the Senate. These provisions require the President to develop a proposal giving the United States an option to safely isolate spent nuclear fuel and highlevel waste over the long-term in facilities which permit continuous monitoring and ready retrieval of the fuel or waste. Monitored retrievable storage has significant advantages in terms of

scientific simplicity and clear technical feasibility and in terms of basic fairmess and political acceptability. With a viable MRS option as a worthwhile alternative, we can afford a careful and thorough search for suitable geologic sites for irreversible disposal of nuclear wastes.

The case for the MRS was made far more eloquently than I ever could make it by the chairman of the California Energy Commission, Gene Varanini, in a recent issue of the Radioactive Exchange. The July 31 Exchange prints a very interesting interview with commissioner Varanini, who is a recognized expert in matters of nuclear waste policy. I ask unanimous consent that the full text of this interview be printed in the RECORD for the information of my colleagues and the public.

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

GENE VARANINI, COMMISSIONER, CALIFORNIA ENERGY COMMISSION—ON HIGH LEVEL WASTE

(Commissioner Varanini has been with the California Energy Resources Conservation and Development Commission since its establishment in 1976. As a consultant with the legislature, he played a significant role in developing the California Power Plant siting law that created the Commission. He has served as a consultant to the Swedish and Australian governments on energy issues and nuclear waste management. He is the author of several notable articles in high level waste management and has been a participant in several major international and domestic conferences. This is the first of two installments.)

Commissioner Varanini, as a state official, what is your view of federal versus state role in the siting of high level waste repositories? Do you endorse the concept of state consultation concurrence included in the current Senate or House bills?

Well, my basic feeling is that the problem isn't really a problem between the state and the federal government and the need to protect the state interest through either a veto or congressional concurrence of veto. The real problem is to establish a viable technology. In my opinion, the only real reason to need a two house override over a state' objection is to overcome the lack of confidence in what the DOE is doing.

The states are taking this political approach supporting the two house override, or stopping DOE activity within their boundaries, because that is the route that is most readily open to them.

In some states these actions have been taken strictly for parochial political reasons. However, in most cases, if you examine the facts, you will find that the fear among state officials about DOE's HLW program is supported by a correct analysis that the program lacks the necessary technological base on which to proceed to develop a deep geological repository. This fear prompts the states to take preemptive action to keep the federal government as far off their turf as possible, lest they become victims of some sort of compromise with the federal government.

In a way, the states that have taken some of the more outrageous political moves against the federal government have perceived the problem and the way to address it better than many who have attempted to deal with the problem on technical grounds.

You are saying then, that the states' political action regarding HLW, sometimes taken for parochial reasons, has successfully stopped actions that should not have been taken anyway, because of a lack of a sound technical and scientific basis . . .

Yes, that is exactly what is happening. But that is the typical type of reaction in any siting process. At the Energy Commission, we have been involved in numerous siting processes, and when opponent groups felt that proposals were technically insufficient, they would use any tactics that were available. The easiest tactic, and the one that has the most profound effect, is to establish some form of political rights. The states are using this tactic now, calling on their constitutionally guaranteed "States' Rights" to protect them from having a high level waste site in their boundaries, without ever getting into some intermediary or mediation type process.

Do you feel that states are justified in opposing DOE activities because the program lacks the necessary technical and scientific basis?

Yes.

In your view, at what scientific or technical level is the U.S. program for dealing with high level wastes? Are we at the point where site specific studies should be undertaken?

No, we are not far enough along to look at specific sites for ultimate disposal of high level wastes. I think we are only in the stages of understanding the science, and we have confused the difference between understanding the science and the engineering technology. In many cases we have violated the first principle of the scientific method. We have jumped, basically, from science to engineering. I think that there is a belief, that no matter what type of environment you find, that a geological repository can be engineered around any of the uncertainties through a multiple barrier system. That would be the way to go if time were of the absoiute essence, and it was necessary to rush into this for some fundamental reason where time became more important than doing it right. However, I don't think we are in that case at all. The decision to move ahead is a political one that is based essentially on the belief that if we don't take some cosmetic action to deal with the back end of the fuel cycle, that there will be political retribution and light water reactors will be less robust in the 1990's.

So you would like to see the DOE take a step or two back?

Yes, in my opinion what I've been saying for the past three years is that we should be into long-term storage and in the meantime the concomitant policy would be to establish a thorough fundamental and very scientifically correct process to check out geological disposal and to do it right. And doing it right means understanding the fundamental science, understanding the variety of risks, no matter how small, and overcoming them or mitigating these risks through an engineering technique to the extent that such methodologies exist.

At this stage of development then, you personally favor the monitored retrievable storage approach being advocated by Senator Bennett Johnston and adopted by the British, rather than proceeding immediately toward deep geological disposal?

Yes, I think Senator Johnston has the right approach. His continued push to have the government pursue this route is the type of leadership we need to deal with this problem.

Basically, in the United States we know how to store high level waste. We know how to watch spent fuel and other residuals from the nuclear program very well. If you take the position that you should do what you know how to do, then we should be into a long-term storage program. If we go ahead and store the fuel, we can retrieve it for the value of the spent fuel. Then what we need to do is set up a scientific program, one that honors the scientific method and proceed to solving the scientific uncertainties and lack of fundamental understanding that are imbedded in using the geological options for waste management.

The Swedes have done exactly that and have kept the faith of the Swedish people.

I would add that another element that is not addressed in the arguments regarding monitored retrievable storage facilities is the need to have facilities now to take back and store foreign fuel.

I think we ought to take foreign spent fuel back and get control or custody in that form. I think that it would be a very positive antiproliferation policy and to do this we probably would need a separate facility.

Could you outline in a step by step approach how you would prefer the U.S. high level waste program to proceed?

I think a step by step approach is predicated on two factors: one, doing what we know how to do and, two, making the fundamental commitment to understand the scientifically correct way, and the competitive technologies that are available for the ultimate disposition of high level waste. This means that we probably have to have a retrievable storage system that is capable of being monitored for a significant period of time.

How long, a hundred years?

Well maybe, but the number doesn't mean much to me, fifty to a hundred years is a very long time. Something in that range is probably appropriate. I think we reserve the fuel value in the spent fuel that can be used economically in a recycling type of processing system. Finally we can conduct scientific research, not engineering demonstrations, but scientific research both at the bench level and at full scale that would allow us to fully understand the science behind geologic waste repositories and the nature and extent of the engineering barrier systems.

I think that the geologic high level waste process can be validated or invalidated without having to have a full scale operating repository, and as I said previously, the rush to full scale operating repository is a cosmetic attempt to close the nuclear fuel cycle and to decrease the emotional opposition one finds in many parts of the country and many parts of society to additional commitments to light water reactors.

What about the intergovernmental decision process—the state versus federal role with regard to siting a high level repository? Should this be viewed as a high priority as it is now by the Governors and the Congress, in developing national high level waste programs?

No, I believe that escalating the deliberations of a high level waste disposal strategy to a political level at this point in time will only cause problems down the road. In my view the attention paid to this issue now is a latent drive to use the political process to defer bad science. I think it is simply too easy to use the political process. It is too readily available.

As a state regulator, would you support a state veto over a site recommendation, as part of a final decision process?

I think that an absolute state veto is inconsistent with the whole principle of federalism and it is inconsistent with good science policy. The process should be well defined enough in the bill that the last resort for the state, in terms of the violation of due process of the statutory requirements of the law, should be in the courts.

How would you envision setting up the scientific and technical decisionmaking process that you are advocating?

First I think there needs to be a series of skeptical peer reviews conducted very early on. Committees and various peer processes could be designed to take a look at the scientific and technological proposals. The participants, the scientist and engineers, need to be individuals that don't derive their income either directly or indirectly from the nuclear industry. I also think there has to be an attempt to conduct a virtual scientific mediation process where technical experts with identified biases and identified points of view are brought into the process with the proper mix to assure collective objectivity rather than assuming that any given scientist is by definition objective. You then establish a series of boards, committees funded by the Federal Government, to be involved in this process.

For example, the Swedes went out and brought in diverse views into their process, and actually structured pro and con papers. Scientists with stated points of view were involved. Their work was reviewed by both the scientific community and the policy community. Review committees were established to play the role of skeptics, to question the whole exercise.

Can you put a time line on such a process? Would it take ten years, five years?

I think you could complete this type of process in a fairly short, fairly nominal time frame. As I recall, the Swedes identified the uncertainties, and identified what types of science, and the types of engineering that would be necessary to meet the whole set of uncertainties. Then they identified and agreed upon a series of review stages and the sort of documents that would be needed very early on. This might take several years in order to document the work. However, at one time during my work with the Swedes, we ran an outlined accelerated process to test and confirm theoretical understanding of all the elements of a nuclear waste geological repository system, and found that it could be done very quickly, in about three years.

From that point, then you proceed to specific work, like data compilation, and then through the sort of planning stages that are identified with the national government.

The critical element in undertaking this kind of effort in a reasonable and effective manner is making the decision to keep the waste in long term supervised storage. Once this decision is made, you don't have the pure hysteria that you are going to pile up spent fuel and you are going to shut down reactors.

AIRBAGS OR AUTOMATICALLY CLOSING SEATBELTS

Mr. GORTON. Mr. President, the U.S. court of appeals last week ordered the National Highway Traffic Safety Administration to reinstate a rule it revoked last year requiring so-called passive restraints in all automobiles. The court's order effectively requires all cars manufactured after September 1983 to be equipped with airbags or automatically closing seatbelts.

I am pleased that the court has seen through the faulty reasoning on which NHTSA based its decision to repeal this long overdue safety measure. I am troubled, however, by indications that NHTSA will continue to battle the implementation of this rule.

Earlier this summer, Robert F. McDermott, the chief executive officer of United Services Automobile Association (USAA Group), addressed the San Antonio, Tex., Rotary Club on the subject of passive restraint technology. His speech articulates the importance of this technology to saving lives on America's highways. I ask unanimous consent that Mr. McDermott's remarks be printed in the RECORD.

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

REMARKS BY ROBERT F. MCDERMOTT

THE SAFE CAR: IF YOU DON'T ASK FOR IT, YOU MAY BE ASKING FOR IT

I know many of you will say that people cause traffic accidents—and you are right. And you will note further the national campaigns now underway by such groups as MADD (Mothers Against Drunk Drivers) to keep drunk drivers—who are involved in approximately one-half of all traffic fatalities—off the road.

Believe me, USAA and I personally support MADD and all of the other groups fighting against drunken drivers. We also support Defensive Driving Education Programs all over the country. All preventive measures—by individuals, by groups, by highway departments—most certainly address the problem. But all together they do not, and never will, prevent even a majority of collisions, and they do not address the so-called "second collision"—the impact of the individual within the vehicle against the steering wheel, the dashboard, doorknobs, the windshield, or the highway after ejection from the vehicle. It is this "second collision" that is the subject of my address today.

If Americans had accepted the ignition interlock system of a few years back that required buckling up seat belts, if they would respond overwhelmingly to yet another nation-wide program to increase the use of lap and shoulder belts, if three-fourths of them would follow the example of doctors of the Harvard Medical School, then I wouldn't have very much to talk about today.

But even if I had any doubts about whether or not I had something worthwhile to talk about, all I would have to do is poll you as an audience and find out how many of you buckled up on the way here this noon time. I won't embarrass you by asking, because I think I already know the answer—plus or minus a very few percentage points from the national average of 11 percent.

And so, while I give my support to all ongoing accident prevention measures, and to another "Buckle Up Campaign", I finally get down to asking myself the following questions:

How safe are cars once the crash occurs?

Can they be made safer at an affordable price?

Does the consumer want a safer car?

Can we count on the free enterprise system to address these problems responsibly, or do we have to rely on mandates and Court Orders from the Federal Government?

I would like to start my responses to these questions by addressing the subject of passive restraints.

We believe that greater built-in safety features—such as passive restraints—represent the best philosophical approach to automotive safety.

One piece of technology which has already been developed could save some 9,000–10,000 lives a year . . . whether drunks are kept off the road or not.

That technology is called the airbag, which has proven itself as a lifesaver in frontal collisions.

Today, you cannot buy a new airbag-equipped car in this country, even though the airbag technology has been around for nearly a decade, and airbag effectiveness has been proven on the nation's streets and highways.

Another type of passive restraint is the automatic seat belt, which automatically fastens around you when you get into your car. It requires no action by the driver or a front seat passenger.

Yet the Volkswagen Rabbit and one Toyota model are the only automobiles sold today which even offer automatic belts as an option.

Now I know you have all heard the line that airbags and automatic belts are effective only in frontal crashes, as if to imply that a partial solution isn't very worthwhile. That's analogous to implying that a medical discovery that would cure only prostate cancer is unimportant. To put the matter into proper perspective, if these passive restraints prevent only 10,000 deaths per year in frontal crashes, that is the equivalent of 128 Air Florida crashes into the 14th Street Bridge every year.

Let's turn from death to disfigurement to discuss another state-of-the-art passive restraint which, like the airbag, you cannot buy in the United States today.

I heard some good news very recently on the subject of disfigurement. A Swiss pharmaceutical company has developed a new drug called Acutane, which has the potential of curing severe, cystic acne, the kind that leaves deep scars. It is estimated that there are over 300,000 American teenagers who may benefit from this cure when the drug is released for distribution in the U.S. this Fall.

In contrast with this good news, there are another 300,000 Americans this year, last year and every year who are scarred by windshields that shatter into thousands of tiny knives when people are thrown into them in automobile crashes.

The real heartbreak is that there is a cure—also from Europe—that could significantly reduce the severe laceration and disfigurement of these 300,000 Americans. There is a new type of windshield design which provides an extra layer of plastic on the surface of the windshield nearest the occupants, effectively reducing the laceration problem.

It is already installed on thousands of cars in Europe, but it is not available in the United States.

There are still other ways to make cars safer that don't require human intervention . . . The removal or recessing of protruding

instrument panels and knobs, for example, could save lives and prevent serious injury to small children and other passengers who are thrown into the dash on impact.

Still another safety measure would be the re-design of car doors so that they don't fly open on crash impact and throw the riders out of the car. It has been estimated that your chances of being killed in an accident are 25 times greater if you are ejected from the vehicle.

What I'm suggesting is that design modifications alone could reduce the number of people killed in traffic wrecks annually by as much as 40 percent . . . That means more than 20,000 lives saved a year—and that's in front of any lives saved as a result of anti-drunk driver campaigns.

But these changes in design—these passive restraint systems that don't rely on human foibles—are not being placed into cars in this country. It's not that I've been talking about "blue-sky" dreams—the technology exists, it has been proven in "real world" conditions and is affordable. For example, airbags built into cars on a mass production basis would only add about $200 to the cost of the vehicle—less than you would pay for wire wheels or a cassette player.

We have been told for years by Detroit that "safety doesn't sell." The auto makers cite the attempt in 1956 by Ford to sell the car-buying public for the first time on the idea of using seat belts, which Ford was making available in its cars that year. The campaign failed, although it may only have proved that in 1956 people liked General Motors cars and Chryslers more than they liked Fords.

Nevertheless, in the past 26 years, there has been no attempt by domestic or foreign auto manufacturers to sell safety features equally with cosmetic features.

But I believe that in the 1980s and beyond, safety will sell—and that consumer demand can bring about safer cars. Since the automobile companies remain reluctant—and that's putting it mildly—to market safety features to consumers as part of the buying decision, we at USAA are working to promote consumer awareness of this existing safety technology, and we're asking car buyers to question auto dealers about the lack of passive restraint safety systems in cars.

This past January, USAA, in conjunction with the Insurance Institute of Highway Safety (IIHS), unveiled to the media and the public the results of a study which ranked cars on the basis of "real world" accident data. That information was compiled from the federal government's Fatal Accident Reporting System and from actual death and injury claims made to the ten largest automobile insurers in the country, one of which is USAA.

The study revealed that twice as many people were killed while riding in small compact or subcompact vehicles than were killed in full-sized cars.

It also showed, coincidentally, that of all cars on the road, the safest were American-made. And the least safe were Japanese-made. Even when comparing compact to compact and subcompact to subcompact, American-made automobiles came out ahead of their Japanese counterparts.

The response to this information leads me to believe that we have begun an effort which has a realistic chance to save thousands of lives and hundreds of thousands of injuries every year.

The week after the news conferences, USAA placed a full-page ad in the Wall Street Journal which displayed the IIHS study's ratings of the various makes of cars. Just two weeks later, General Motors began a massive advertising blitz in every major news publication, including, to no one's surprise, the San Antonio daily newspapers. Taking a table from the USAA-published study, the ads were headlined "GM Cars Rated Best." The ad highlighted a list of the "best" and "worst" models in terms of insurance injury claims experience—15 of the 19 best were made by General Motors, while 13 of the 17 worst were made in Japan, and none by General Motors.

Those advertisements appeared in more than 330 newspapers and magazines with an estimated readership of better than 100 million people. General Motors then used that same ad as the inside back cover of its latest annual report.

And beginning in May, GM started a new ad series. The headline this time reads "Are You Driving On The Wrong Side Of This Ad?" The "best" and "worst" charts appear below the headline.

Apparently, we got somebody's attention at General Motors. We still don't know if we got the attention of the Japanese manufacturers.

Frankly, I hope the Japanese, who are extremely sensitive to market pressures, will react as they did when gasoline prices began to go up in the early 1970s.

Back then, most American auto makers steadfastly continued to make their very large and very heavy automobiles, apparently convinced that miles-per-gallon were not as important to American car buyers as styling and luxury. Meanwhile, the Japanese began to gain a large share of the market by making small cars which got very good gas mileage.

Today, the Japanese have a major edge over American auto makers because they responded to American consumers, which Detroit refused to do. In just a few short years, consumer demand for more fuel-efficient automobiles has changed the way cars are made, how they look and how they perform.

Remember, the same people who have been telling us for 25 years that "Safety won't sell," are the ones who, in effect, told us ten years ago that "People don't care about miles-per-gallon."

You can be sure that if the Japanese sense they might lose a competitive advantage—or might gain a competitive advantage—because of consumer demand for built-in safety features, then they will respond quickly to the market place.

As an American who is acutely aware of the economic difficulties facing domestic auto makers, I hope Detroit seizes on the safety edge it already has over the Japanese and adds to it by installing into new cars the life-saving passive restraint systems and other safety features they have already designed.

Good marketeers should be able to recognize a developing trend and take advantage of it—the desire for increased automobile safety has obviously taken hold in this country, as the auto makers' own market surveys have demonstrated.

But if American car manufacturers still refuse to open their eyes—as has been the case historically—then I say let's hope the Japanese take the lead again. Detroit will be forced to follow. Finally, we will begin to stop some of the human wreckage on the roads.

That brings me to a central question: What is responsible free enterprise?

We're not talking here about making a faster computer, or manufacturing a longer-lasting pair of panty hose. We are discussing people being killed and people being hurt—a yearly casualty count in dead and injured which totals more people than now live in Dallas and Houston combined.

Let's face it—automobile crashes pose an enormous public health hazard.

So is it "responsible free enterprise" for the automobile companies to have in hand—tested, proven and affordable—a device known as the airbag which most automotive safety engineers agree will save as many as 10,000 lives a year . . . and then fight any suggestion that the airbag should be offered even on an optional basis to car buyers, much less be made standard equipment?

The key to free enterprise is that the customer is given a choice. Today, when it comes to automotive safety, we—you and I—as customers are not given a choice, even though the products—airbags and automatic safety belts—which could make that choice possible are ready for use.

The auto companies force us to buy cars with standard cosmetic features which we may or may not want, but they won't even give us the option to buy safety features which could save our lives.

In 1979, in response to a request from a Congressional Subcommittee, GM reluctantly supplied four internal GM customer surveys. The studies—carried out in 1971, 1975, 1978 and 1979—all showed very strong consumer demand for airbags in new cars.

Now, what does General Motors want us to believe? Their own private studies of 1971, 1975, 1978 and 1979 or their statement in April, 1982, that consumers do not want airbags?

What would you say if a pharmaceutical company had discovered a drug which could cure cancer in a significant number of cases, but chose to withhold it from the market for any reason?

You would be outraged, wouldn't you? You would say: "The company has no right to withhold that medicine." And you would be absolutely correct.

General Motors, Ford, Chrysler, Toyota, Nissan, Volvo and all the rest have no moral right to withhold the passive restraint technology and other safety features which could significantly cut the number of killed and injured resulting from this public health hazard.

As one who works in one of the nation's most highly regulated industries—the insurance industry—I am hardly an advocate of additional government regulation of business.

But history shows that it's when business refuses to fulfill its free enterprise responsibilities that it literally invites government intervention.

We all know that businesses and individuals don't like to be forced to do anything, and that's why I favor regulation on the passive restraint issue only as a last resort. But I am more tolerant of people who want passive restraints mandated in than I am of those in the auto industry who want them mandated out by not giving us—the car buyers—the chance to decide if we want them or not.

As a practical matter, I think the best way to sell the passive restraint concept to the American people is to give each of us the opportunity to buy them and form our own conclusions . . . and that means the car companies should make passive restraints available as an option, along with voice synthesizers.

I'm confident that once people experience the life- and injury-saving results of these systems, they will demand passive restraints and other safety features as standard equipment. Not only will thousands of lives be saved, but the free enterprise system will have worked again—giving the customer a choice and responding to customer demands.

While there appears to be little interest in passive restraints among automobile manufacturers, there is considerable interest in Washington.

There is legislation now before the Congress which will provide a refundable tax credit to domestic auto manufacturers which install airbags as original equipment. This bill has been introduced by Senator John Danforth (Republican from Missouri). If enacted, it will be to the American auto makers' economic advantage to put in airbags.

And, there is ongoing discussion and interest in a federal airbag demonstration program which would lead to installation of airbags in federal vehicles. While nothing has been decided yet, we have learned that there is more than a little support for such a program within the Reagan Administration.

Probably the most encouraging result of USAA's information campaign has been the invitation to me by General Motors to arrange a meeting between the nation's leading property and casualty insurance executives and GM in Detroit for the purpose of discussing this entire safety subject in a frank and open way.

The desire of General Motors to discuss these matters with us signifies to me a positive step in the recognition of automotive safety concerns. Rather than a confrontation, we hope this all-day session in Detroit will be the beginning of significant action by the automobile companies to help reduce the carnage on our streets and highways.

At present rates, one in every 60 children born today in this country is expected to die in an automobile accident, and two out of every three will suffer injuries in a crash.

Those children could be your children, or your grandchildren. For their sakes, if not for your own, ask for—demand—a safer car from the people who make those cars.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The clerk will state House Joint Resolution 520.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

The Senate proceeded to consider the joint resolution which had been reported from the Committee on Finance with an amendment to strike out all after the resolving clause, and insert the following:

That (a) the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by striking out "$400,000,000,000" and inserting in lieu thereof "$1,290,200,000,000".

(b) The amendment made by subsection (a) shall take effect on October 1, 1982.

Mr. BAKER. Mr. President, will the distinguished chairman of the Finance Committee, the manager of the joint resolution for the majority, yield to me for a minute?

Mr. DOLE. I am pleased to yield to the distinguished majority leader.

Mr. BAKER. I thank the Senator.

Mr. President, this is the debt limit joint resolution. This is the one on which we will have our debate about abortion and perhaps a number of other things.

I have advised a number of Senators, including the minority leader, the Senator from Wisconsin (Mr. PROXMIRE) and others that there will be an amendment dealing with the gymnasium situation. I wish that to be first. I also wish to have unanimous consent that after the amendment is introduced any rollcall vote that may be ordered on that amendment will be put over until tomorrow at 2 p.m.

The principals on the joint resolution are not here at the moment with the exception of Senator DOLE who will manage for us.

Is the Senator from Virginia (Mr. HARRY F. BYRD, JR.) manager on behalf of the minority?

Mr. HARRY F. BYRD, JR. Yes.

Mr. BAKER. I thank the Senator.

Madam President, while I attempt to confer with the minority leader on the arrangements I have just described, with the consent of the managers, I suggest the absence of a quorum for just a moment.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. The present temporary public debt limit expires on September 30, 1982. Since the permanent debt limit of $400 billion is only 35 percent of the combined limit, it is too low to permit the Treasury to continue operating at the current level of outstanding debt. The Treasury Department would not even be allowed to refund maturing debt issues.

The last increase in the public debt limit, which was enacted less than 2 months ago, increased the debt limit to $1,143.1 billion for the rest of fiscal year 1982. The amount was set as the appropriate debt level for the rest of this fiscal year in the budget resolution passed in June.

Those are two powerful reasons for enacting a new debt limit. The temporary limit expires at the end of September and the permanent limit is too low even to maintain the present amount of debt. If we do not complete action on this resolution before the temporary limit expires, the administration might be able to operate for a few days or a few weeks, depending on its cash balance on September 30. Under the best of circumstances, the Treasury would exhaust all resources for dealing with this contingency before the mid-October adjournment of the Congress.

The new public debt limit provided in this joint resolution is the same level specified in the June budget resolution—$1,290.2 billion—and in House Joint Resolution 520 as passed by the House. The public debt limit passed by the House incorporates $890.2 billion of temporary borrowing authority that lasts for a finite period of time, in this case, through the end of the next fiscal year.

The Finance Committee made two changes in the House resolution. The $1,290.2 billion debt limit was made permanent. pursuant to the amendment offered by the distinguished Senator from Colorado (Mr. ARMSTRONG) and the distinguished Senator from Louisiana (Mr. LONG). That was made permanent at that level, a step which makes the permanent amount a credible level. House Joint Resolution 520 does not place an expiration date on the new limit, and as a result, the Government may not have to face a doomsday scenario come September 30, 1983. We think this is an important and necessary change.

I urge the Senate to approve House Joint Resolution 520 as amended by the Committee on Finance.

Madam President, I ask unanimous consent to have printed in the RECORD a more technical explanation of House Joint Resolution 520.

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

EXPLANATION OF THE RESOLUTION

PRESENT LAW

The combined permanent and temporary debt limit is $1,143.1 billion through September 30, 1982. This limit is the sum of the permanent debt limit of $400 billion which has no expiration date and the temporary limit of $743.1 billion which will expire after September 30, 1982. As of October 1, 1983, the statutory public debt limit will be $400 billion, under present law.

The present public debt limit was enacted on June 28, 1982, to provide sufficient bor-

rowing authority to meet the financing requirements of the Federal Government through September 30, 1982. The level of the debt limit is the amount specified in the first budget resolution for fiscal year 1983 as the appropriate level for fiscal year 1982. In its Mid-Session Review of the 1983 Budget, the Administration estimated that it will be able to finance the Federal Government for the remainder of fiscal year 1982 with the present debt limit.

Since the present limit expires with the current fiscal year, Congress must enact a new public debt limit that will permit the Treasury Department to finance presently authorized spending levels.

The appropriate level of the public debt limit specified in the first budget resolution for fiscal year 1983 is $1,290.2 billion.

On June 23, 1982, the House considered and agreed to H.J. Res. 520 to provide a temporary increase in the public debt limit to $1,290.2 billion for fiscal year 1983.

COMMITTEE ACTION

The committee agreed to increase the debt limit to $1,290.2 billion, as specified in H.J. Res. 520.

However, the committee amended the resolution to change the temporary limit on the public debt into a permanent debt limit that will become effective on October 1, 1982. This action provides the same amount of borrowing authority for fiscal year 1983 as is contained in the House-passed version of H.J. Res. 520.

There are two major differences between the Committee of Finance version of the resolution and the version approved by the House. First, the committee amendment will not precipitate a major crisis when the debt limit runs out. Under the House resolution in that circumstance, the debt limit would become $400 billion on October 1, 1983, and no debt obligations could be issued to refund outstanding debt or to increase the amount outstanding until the amount of outstanding debt decreased to $400 billion, or a new increase was enacted. The committee resolution would enable the Treasury Department to refund maturing issues of the outstanding debt so long as the total amount of debt remains within the permanent limit. As a result, the Federal Government need not come to a halt after fiscal year 1983, as it could under the House-passed resolution.

Second, under the House resolution, Congress is required to act again to increase the debt limit by September 30, 1983, even if the $1,290.2 billion limit would continue to be adequate. Under the committee resolution, it will not be necessary for the Congress to change the public debt limit until a higher debt limit becomes mandatory.

Under the House rules, a joint resolution to change the public debt limit for a fiscal year is generated each time a conference report on a budget resolution is approved by the Congress. A separate joint resolution is produced for each debt limit for each fiscal year covered in the budget resolution. So, there will be a choice of joint resolutions on the public debt available for the Senate to act on whenever another public debt limit must be established. Alternatively, the House could amend Rule XLIX so that its resolution changes the current permanent debt limit.

The table which follows summarizes legislation on the public debt limit since 1947.

STATUTORY DEBT LIMITATION, FISCAL YEARS 1947 TO DATE AND PROPOSED PERMANENT DEBT LIMIT

[In billions of dollars]

Fiscal year	Statutory debt limitation		
	Permanent	Temporary additional	Total
1947–54	275	0	275
1955 through Aug. 27	275	.....	275
1955: Aug. 28 through June 30	275	6	281
1956	275	6	281
1957	275	3	278
1958 through Feb. 25	275	.....	275
1958: Feb. 26 through June 30	275	5	280
1959 through Sept. 1	275	5	280
1959: Sept. 2 through June 29	283	5	288
1959: June 30	288	5	290
1960	285	10	295
1961	285	8	293
1962 through Mar. 12	285	13	298
1962: Mar. 13 through June 30	285	15	300
1963 through Mar. 31	285	23	308
1963: Apr. 1 through May 28	285	20	305
1963: May 29 through June 30	285	22	307
1964 through Nov. 30	285	24	309
1964: Dec. 1 through June 28	285	30	315
1964: June 29 and 30	285	30	324
1965	285	39	324
1966	285	43	328
1967 through Mar. 1	285	45	330
1967: Mar. 2 through June 30	285	51	336
1968 [1]	358	.....	358
1969 through Apr. 6 [1]	358	7	365
1969 after Apr. 6 [1]	358	.....	358
1970 through June 30 [1]	365	12	377
1971 through June 30 [1]	380	15	395
1972 through June 30 [1]	400	50	450
1973 through Oct. 31 [1]	400	50	450
1973 through June 30 [1]	400	65	465
1974 through Nov. 30 [1]	400	65	465
1974: Dec. 3 through June 30 [1]	400	75.7	475.7
1975 through Feb. 18 [1]	400	95	495
1975: Feb. 19 through June 30 [1]	400	131	531
1976 through Nov. 15 [1]	400	177	577
1976 through Mar. 15 [1]	400	195	595
1976 through June 30 [1]	400	227	627
TQ: from enactment through Sept. 30, 1971 [1]	400	236	636
1977: from Oct. 1, 1976 through Mar. 31, 1977 [1]	400	282	682
1977: from Apr. 1 through Sept. 30, 1977 [1]	400	300	700
1978: from Oct. 1, 1977, through July 31, 1978 [1]	400	352	752
1978: from Aug. 3, 1978, through Mar. 31, 1979 [1]	400	398	798
1979: from Apr. 2 through Sept. 30, 1979 [1]	400	430	830
1980: through June 30, 1980 [1]	400	479	879
1981: through Feb. 28, 1981 [1]	400	525	925
1981: through Sept. 30, 1981 [1]	400	535.1	935.1
1981: through Sept. 30, 1981 [1]	400	585	985
1982: through Sept. 30, 1982 [1]	400	679.9	1,079.9
1982: through Sept. 30, 1982 [1]	400	743.1	1,143.1
Proposed: From Oct. 1, 1982 [1]	1,290.2	.....	1,290.2

[1] Includes FNMA participation certificates issued in fiscal year 1968.

Mr. DOLE. Madam President, I understand that Senator BAKER and the distinguished minority leader, Senator ROBERT C. BYRD, have an amendment pending, and it is my hope that no additional amendments will be offered until that amendment is disposed of or some other disposition is made of it.

THE TAX BILL

In the interim, I would like to indicate just a few thoughts about the so-called revenue increase and spending reduction bill which was agreed upon by the conferees yesterday morning at about 2 a.m.

Let me say at the outset in my view it is primarily tax reform, and we will have all kinds of information breaking down how much is compliance and how much is closing loopholes and how much may be considered to be not reform but just plain raising of revenue, such as the cigarette tax and the tax on telephones. But I might suggest that these taxes are a very small portion of the total amount.

In addition, we did a number of other things during that long conference which, I think, will strengthen the bill. We made certain changes in the pension area, we did add near the end of the conference an unemployment compensation proposal of $2 billion in cost which will help 2 million unemployed persons. We pay for that by taxing benefits, through lowering the threshold on benefits to make certain we can recover the total amount of that expenditure over the next 3 years.

To me that is very important because we find more and more people exhausting their benefits in this time of economic crisis. We believe that under this special—and it is a special—unemployment benefit proposal, every State will be able to participate, every State and the District of Columbia. There may be another jurisdiction or two.

Effective upon enactment through March 31, 1983:

First, we allow up to 10 additional weeks of unemployment compensation benefits would be provided for unemployed workers in States in which extend benefits (EB) have been payable at some time since June 1, 1982.

Second, up to 8 additional weeks of unemployment compensation benefits would be provided in States with extended benefit trigger rates at or above 3.5 percent.

Third, up to 6 additional weeks of unemployment compensation benefits would be provided in all other States.

We hope to have a list of those States, and whether they qualify for 10 weeks, 8 weeks, or 6 weeks placed in the RECORD following my statement. We are now having it rechecked by the Labor Department so that Members may know in both the Senate and the House where their State qualifies. We will also place in the RECORD a more complete description of the unemployment benefit proposal.

Fourth, the additional benefits would be paid to unemployed workers whose entitlement to State benefits (benefit year) or extended benefits ended on or after June 1, 1982; and, who have exhausted all State or State and extended benefits to which they are entitled; who have worked 20 or more weeks—or had the equivalent in wages as specified in the extended benefit program—prior to applying for unemployment compensation; and, who continue to meet all other State and extended benefit requirements.

Fifth, benefit and administrative costs of the program would be financed out of Federal general revenues. That will be reimbursed, as I have indicated, through a tax on benefits.

The proposal is estimated to cost $1.968 billion total; $1.716 billion fiscal year 1983.

I mention it at this time because a number of Senators indicated interest. In fact, Senator SCHMITT from New Mexico and Senator METZENBAUM from the State of Ohio had more or less instructed the Senate conferees in a sense of the Senate resolution that we should provide certain additional benefits for those who are unemployed.

We also had an amendment offered by Senator SCHMITT which would make certain that the funding was available if, in fact, the conferees did act, and so we believe that based on the vote in the Senate on the sense of the Senate resolution—I do not recall the exact vote but it was an overwhelming vote, I think 80 some to 13—we have complied with the sense of the Senate resolution.

We have complied with the request of Senator SCHMITT and others. We would hope that our colleagues would have an opportunity to review what the conferees did, not only in this area but in all other areas.

Second, let me discuss—and I will place more detail in the RECORD—another matter that I felt we might be able to soften, and that was the excise tax on cigarettes.

Under the Senate-passed bill, excise taxes on cigarettes were doubled. They are now 8 cents a pack. They have not been changed since 1951. They were increased to 16 cents a pack. It was my thought throughout the conference—in fact, I had spoken to a number of Senators—particularly the senior Senator from North Carolina, the senior Senator from Virginia, the junior Senator from Virginia, and the junior Senator from North Carolina and both Senators from Kentucky—that we would hope in the conference itself we could find enough money as we went through the conference so we could take any surplus—that is anything above the $98.3 billion—and apply it against the excise tax provision on cigarettes.

As I recall, at about 1 a.m. yesterday morning, the cigarette excise tax matter was among the last matters to be considered. We completed our action on everything else and we had, I guess you could call it, a surplus—maybe Senator BYRD would not call it a surplus—but we had raised more revenue than we needed to raise on the budget resolution by about $1.8 billion.

The Senate conferees were in no position to offer anything to the House, because we had a provision in our bill and the House could recede to our provision and that would end the matter. So knowing of Senator BYRD's concern, a member of the conference, and also the concern of Congressman DUNCAN of Tennessee, I made the proposal which said, in effect, that for 1983, rather than an 8-cent increase on cigarettes, there would be no increase. We had enough money at that point so we could avoid any increase in 1983. The 8-cent increase in 1984 and 1985 would still remain. But it occurred to me and others that that would give those who did not like that particular tax an opportunity, a full year, to try to reduce it, eliminate it, or whatever.

We made, I felt, a persuasive argument and pointed out this was a heavy tax on the industry; that I could say with some objectivity and candor that this is not an area of tax reform; that this is an area where we just needed the money, so we raised the tax, and I had hoped we would have five votes on the House side to accept that suggestion and make the appropriate motion to modify the Senate provision.

After what I thought was a rather—particularly considering how long we had been there and the time of the morning—persuasive case, I was rather politely told by the chairman of the House Ways and Means Committee, I think, as I recall: "Mr. Chairman," he said—I was chairman of the conference—"we appreciate your comments, but the House recedes." And that more or less ended our efforts to soften the impact on those who have a great deal at stake in this particular area.

But having failed in that effort and not wanting to have a higher revenue figure than $98.3 billion, I then asked the same House conferees who said we could not possibly change the cigarette tax because we really did not have the surplus because of what we had done in unemployment compensation, I said,

OK, if we can't lower the excise tax on cigarettes, would you be willing to spend $1.1 billion of that surplus to delay withholding on interest and dividends from January 1 until July 1?

As I recall the general feeling was that was a great idea. That argument they used on cigarettes was no longer used. So we did delay withholding interest and dividends for 6 months. We think that, in itself, will give banks and thrift institutions and credit unions and companies and others who must comply with this provision, if, in fact, the conference report is adopted, an additional 6 months.

It will also give the American consumer, the person who has interest income and dividend income, time to understand that this is not a new tax. We are getting a lot of mail saying, "You are putting a new tax on interest and dividend income." That is not the case. But this provision has been represented by some as a new tax. All we are suggesting is that you ought to report your interest and dividend income and since many people do not report their interest and dividend income we are going to have withholding with a lot of exceptions, a lot of exemptions, and it is going to pick up about $12 billion over the next 3 years. Now it will pick up about $11 billion because we reduced that figure by about $1.1 billion early yesterday morning. So, there are areas that are misunderstood about the tax bill.

It should also be pointed out—again my good friend from Virginia does not think we did well enough on the spending reduction side, but he also knows some of the problems we had, I hope, on the House side, trying to get any spending cuts. They do not believe in cutting spending, some Members of the House. They would like to increase spending, despite the deficits and interest rates.

We will place in the RECORD sometime today a number of explanations of our spending reductions, how they were achieved and why they are what we feel were solid spending cuts and, frankly, what we feel are smoke in some cases. There is a little smoke in there, but for the most part, it is solid spending reductions.

There were other changes, as I said, made in the conference. We were able to preserve most of the amendments that Senators from both sides of the aisles had an interest in. The foundation amendments, we had a total of six, I believe, on the Senate side. None were agreed to, except the House conferees did agree that they would hold hearings early next year, not just hold hearings, but try to come up with some general legislation that would ease the questions of some of the foundations.

We had, as I recall the Senator from Connecticut, Senator DODD; the Senator from Texas, Senator BENTSEN; the Senator from Colorado, Senator ARMSTRONG; the Senator from South Carolina, Senator THURMOND; and I believe one or two other foundation amendments.

We were able to take care of a number of specific transitional rules, I might say to the Senator from North Carolina, one involving an insurance company in North Carolina. We were able to solve that problem. We were able to solve the problem the Senator from South Carolina had with the transitional rule. We were able to solve the problem Ford Motor Co. had with the safe harbor legislation and that I.T. & T. had with the safe harbor legislation. We will try to put all of that information in the RECORD. We want to make certain that every one was a legitimate amendment and we did make the effort to try to sustain the Senate's position in every case.

It was more difficult because there was not any House bill. Normally, you can trade certain things, but there was not anything to trade. So, we found ourselves at some distance because the

House had not initiated their own revenue measure.

But, Madam President, in my view, it is still a good bill. It ought to meet most every test except, as I said, with regard to a few provisions. It is, for the most part, closing loopholes, loopholes the President suggested should have been closed. In fact, he made that recommendation in September 1981. So, we are looking forward to dealing with the conference report later on this week.

Madam President, I ask unanimous consent to have printed in the RECORD a summary of the conference agreement.

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

TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982—SUMMARY OF CONFERENCE AGREEMENT

COMPLIANCE AND COLLECTION MEASURES

The bill contains measures to reduce the so-called tax gap from noncompliance and to facilitate the collection of taxes already owed. These include provisions to improve and expand information reporting to the IRS, increase penalties for noncompliance, change interest computation rules, revise pension withholding, and allow partnership level audits. The bill requires that all bonds (both tax-exempt and taxable) be issued in registered form after December 31, 1982. The bill further provides rules for access to tax information for use in nontax criminal investigations and prosecutions.

In lieu of limiting deductions for business meals, the conferees substitute a provision requiring food establishments to report gross receipts and tip information to the IRS. After April 1, 1983, an establishment must allocate 8 percent of gross receipts among its tipped employees unless they already have reported tip income equal to this amount.

The payment of corporate estimated income taxes is accelerated by changes which include increasing payments from 80 to 90 percent of the actual tax due and requiring all remaining tax to be paid on the return due date. The conferees provide special rules for seasonal industries.

Withholding at a flat rate of 10 percent will be required on payments of interest and dividends after June 30, 1983. Special rules are provided to minimize the financial and administrative burdens on financial institutions adjusting to the system, including authority to the Treasury for the first six months after the provision is in place to waive withholding requirements for various payors. Interest payments of $150 or less on an annual basis are exempt. Low income individuals whose tax liability for the prior year did not exceed $600 ($1,000 on a joint return) are exempt, as are individuals age 65 or over with tax liabilities not over $1,500 ($2,500 for a married couple filing jointly). This exempts those over 65 with adjusted gross incomes in 1984 of less than $14,450. ($24,214 on a joint return).

Direct sellers and licensed real estate agents are excluded from the definition of employee for employment purposes. The moratorium on reclassification of independent contractors as employees is extended, pending further Congressional action.

REDUCTIONS IN UNINTENDED OR UNWARRANTED BENEFITS

Individual minimum tax.—The bill strengthens the existing alternative minimum tax by shifting to that tax base items currently subject to the add-on minimum tax and by adding several new items to existing preferences. Interest on tax-exempt bonds is not a preference item. The existing add-on tax is repealed. The conference bill applies a flat 20 percent rate to all preferences in excess of $30,000 for single individuals ($40,000 for joint returns). This provision affects only several hundred thousand of the 90 million individual tax returns filed.

Pensions.—Pension tax benefits for high income individuals are limited. The maximum annual addition to a defined contribution plan is reduced from $45,475 to $30,000 and the maximum annual benefit under a defined benefit plan is reduced from $136,425 to $90,000. Where a combination of plans is provided, the maximum benefits allowable are reduced from 140 to 125 percent, applicable to dollar limits only. Cost of living adjustments are frozen until 1986. The bill achieves parity between corporate and noncorporate plans by increasing allowable deductible contributions to noncorporate plans to the levels allowable for corporate plans, and by placing restrictions on certain corporate and noncorporate plans favoring key employees. Loans to plan participants are limited to the lessor of $50,000 or one-half of the participant's nonforfeitable benefits, and must be repaid within 5 years (except for certain home mortgages). The credit for integration of defined contribution plans with social security will be limited to the statutory OASDI rate. The estate tax exclusion allowed for distributions from qualified plans is limited to $100,000.

Casualty and medical deductions.—The bill makes casualty losses deductible only to the extent they exceed 10 percent of adjusted gross income. The conferees raise the floor for deductible medical expenses from 3 percent to 5 percent in the Senate bill. After 1983, the deduction for drugs is limited to prescription drugs and insulin, and the separate 1 percent floor for drugs is eliminated. The conferees repeal the present law rule allowing one-half of medical insurance premiums up to $150 per year to be deducted without regard to the floor (the Senate bill had allowed a $100 deduction).

Original issue discount and stripped coupon bonds.—The bill provides amortization rules for original issue discount bonds and eliminates unwarranted tax advantages from coupon "stripping." The conferees change the effective date of these provisions to July 1, 1982.

Changes to ACRS.—The bill repeals the more rapid recovery rates scheduled to take effect in 1985 and 1986 under the accelerated cost recovery system. Moreover, the bill requires an adjustment to reduce the cost basis of an asset by 50 percent of the investment tax credit and other credits in computing deductions under ACRS. However, the conference bill permits taxpayers to avoid the reduction in basis for any asset by electing to reduce the allowable investment credit by 2 percentage points. Special transitional rules are provided. These provisions are designed to insure that the combination of ACRS deductions and tax credits do not result in treatment more favorable than expensing of equipment costs.

Safe harbor leasing.—The bill phases out safe harbor leasing by January 1, 1984. During the interim, leasing is extended to certain closely-held businesses. The rules are modified substantially to include limits on the amount of property that may be leased and the amount of benefit from depreciation and investment tax credits available to lessors. Certain abuses of leasing, including its use to increase the benefits of percentage depletion, are expressly barred. Transition rules are provided for certain investments and classes of taxpayers (including airlines and auto manufacturers). Leasing of certain mass transit vehicles, including ferries, continues through 1987.

Cutback of corporate tax preference.—The bill supplements the existing corporate minimum tax with a new set of rules that generally require a 15 percent cutback in the availability to corporations of certain items of tax preference. In addition, the limit on the amount of tax which may be offset by the investment tax credit is reduced from 90 to 85 percent.

Construction period interest and taxes.—The bill requires corporations to capitalize and amortize over 10 years interest and real property taxes attributable to the construction period of nonresidential real estate. The Alaska Natural Gas Transportation System will not be affected by this change, and transition rules are provided for certain hotel, motel, hospital and nursing home construction.

Completed contract method of accounting.—The bill instructs the Treasury Department to amend its completed contract regulations to establish rules relating to the termination and severability of long-term contracts. For all contracts expected to take more than 24 months to complete, Treasury is to provide new rules which would allocate items formerly treated as period costs to the contract. These cost rules will not apply to a construction contractor with average gross receipts over the prior 3 years of $25 million or less, or to any construction contract of 36 months or less.

Tax-exempt bonds.—In order for a private purpose tax exempt issue to be allowed, the bill requires public accountability through reporting, public hearings, and local approval by elected officials or legislative action. To the extent facilities placed in service after December 31, 1982, are financed by industrial development bonds (IDBs) issued afte. July 1, 1982, accelerated cost recovery is limited, with exceptions for low income housing, municipal solid waste or sewage facilities, UDAG assisted facilities, and certain pollution control equipment. The exemption for small issue IDBs will not be available after December 31, 1986. In addition, IDBs generally will not be available to finance automobile dealerships, as well as recreational, entertainment and retail food and beverage facilities. Several changes also were made to liberalize the present law limitations on mortgage subsidy bonds.

Life insurance company taxation.—The bill includes the Administration proposal to prohibit the abuse of modified coinsurance. The bill also changes the treatment of annuity contracts, taxing withdrawals to the extent of investment income. A number of other changes to life insurance taxation (sought by the industry) will be effective through 1983, including rules governing deductions for policyholder dividends.

Possessions corporations.—With respect to the special credit against U.S. tax liability for a possessions corporation, the conferees accept the compromise proposal developed by the Administration and the Puerto Rican government. This proposal limits the

tax benefits of possessions corporations, but is not nearly as restrictive as the Senate bill. The possessions corporation will be entitled to the return on intangibles provided it bears a proportionate share of research and development costs; alternatively, the taxpayer may split income from products made in the possession between the possession and the United States.

Foreign oil and gas income.—This provision repeals the per-country extraction loss rule which currently operates to increase the special foreign tax credit limitation for taxpayers with oil and gas extraction income in other foreign countries. As a result, foreign taxes paid on extraction activities could not be used to offset U.S. tax on other foreign source income. In addition, the bill eliminates the deferral of tax on certain foreign oil-related income. Deferral would still be allowed for income of certain independent traders and refiners.

Mergers and acquisitions.—Tax incentives for corporate mergers and acquisitions are reduced, with transition rules for specific situations.

OTHER PROVISIONS

Airport and airway user taxes are increased to provide funds for airport and airway system development provisions.

The targeted jobs tax credit is extended for 2 years, and modified to encourage summer youth employment.

The bill extends the FICA hospital insurance tax and Medicare benefits to Federal employees.

The Federal Unemployment Tax Act wage base is increased to $7,000 and the effective Federal tax rate, after credit for state taxes, is increased from 0.7 to 0.8 percent. The conference agreement increases unemployment compensation benefits for certain long-term unemployed workers. The threshold above which unemployment benefits are subject to income tax is lowered to $12,000 ($18,000 on a joint return).

The telephone excise tax is raised to 3 percent in 1983, 1984 and 1985. The tax will terminate after 1985.

The present Federal excise tax on cigarettes is increased from 8 to 16 cents per pack. This increase sunsets on September 30, 1985.

An extension of time is allowed for refunds of certain excise taxes for buses.

The special Trans-Alaska Pipeline System adjustment under the windfall profit tax is repealed.

Tax-exempt status for certain veterans organizations and amateur athletic organizations is provided.

The bill extends for two additional years the income tax exclusion for National Research Service Awards.

The bill extends the annual accrual accounting method to certain farming partnerships.

Payments legal under the Foreign Corrupt Practices Act will be allowed a business expense deduction.

Certain debt management authority is provided to the Secretary of the Treasury, including discretion to set yields on U.S. savings bonds.

Beginning March 1, 1983, taxpayers who prevail in litigation where the government has been unreasonable are entitled to an award of attorneys' fees of up to $25,000. Where a taxpayer brings as action for delay or takes a frivolous or groundless position, the Tax Court could award the government damages of up to $5000.

Minor adustments are made in the treatment of personal holding companies and Alaska Native Corporations.

Mr. HELMS. Will the Senator yield for a question?

Mr. DOLE. I am happy to yield to the Senator from North Carolina.

Mr. HELMS. Madam President, perhaps I should ask this question privately rather than for the record but, on the other hand, perhaps it ought to be for the record.

Did the House conferees consider the proposal made by the Senator from North Carolina to impose a 25-percent tax increase across the board for beer, wine, liquor, and cigarettes?

Mr. DOLE. The House considered most of that proposal. It was offered by Congressman DUNCAN. The Congressman from Tennessee offered an amendment to impose a 25-percent tax on distilled spirits and wine, a 10-percent excise on coin-operated amusements, a 10-percent excise on autos costing over $20,000, and a 10-percent excise on boats and yachts costing over $10,000. The revenues from that tax, I believe about $2.8 billion, would have been used to reduce the cigarette tax to 10 cents a pack. However, the Duncan amendment was rejected by the House conferees on a voice vote, and the Senate conferees had no opportunity to consider it.

So I would say that on the House side Congressman DUNCAN made a valiant effort. On the Senate side, the Senator from Virginia made a valiant case for reducing the tax, but we were not in a very strong position. We could not modify our provision.

We could not modify our provision. But I know that Congressman DUNCAN's intent was along the lines of what the Senator from North Carolina suggested.

Mr. HELMS. Perhaps the staff could check and the Senator could insert at this point in the RECORD what the vote was.

As I recall, instead of the 8-cent increase on cigarettes, there would have been 2 cents, and on a six-pack of beer about 4 or 5 cents. Wine would have been negligible and whisky would have been 25 cents, or something in that neighborhood. It seemed to the Senator from North Carolina that was a fair and equitable approach. I believe the Senate conferees were prepared to accept that, as the Senator from Kansas said. As the Senator said, he could not propose because of the conference rules. I am sorry that that was not accepted. I do appreciate the able Senator from Kansas making the effort.

Mr. DOLE. As I indicated, there was a voice vote on the Duncan amendment. Let me say to my friend from North Carolina it was not an empty gesture. We had the money. We were not blowing smoke. We had the $1.7 billion available. There was nothing else to be done on the bill. The choice was as to whether we should raise taxes $100.1 billion or $98.3 billion or to reduce some area. We pledged the Senator from North Carolina, and other Senators, including one of the conferees, Senator BYRD, that we would try to use that to reduce the excise tax. So we did not come in emptyhanded. We came in with the money to reduce the tax. When they refused that offer, as I indicated, we put $300 million more in the Puerto Rican compromise and accepted the administration proposal. We put $1.1 billion in delaying withholding on interest and dividends, and I guess there were a couple hundred million dollars left which may disappear as they put the bill together.

Madam President, I ask unanimous consent to have inserted in the RECORD at this point a further discussion of the cigarette tax debate including a portion of the transcript of the conference discussion of this issue.

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

Although H.R. 4961 doubled the present excise tax on cigarettes as passed by the Senate, it was my hope that we would be able to reduce that rate in the conference. Since the House members did not come to the conference with a House-passed tax bill, the Senate conferees had less leverage than we would have wanted because there were no House-passed provisions which the House conferees had to protect. As an alternative, we reserved the excise taxes on cigarettes as one of the last provisions which we discussed, hoping that we could persuade House conferees to use any surplus over the reconciliation target to reduce the excise taxes on cigarettes.

Indeed, we did in fact end up with a surplus of $1.7 billion over the $98.3 billion reconciliation target. At that point, the Senator from Kansas suggested to the House conferees that we apply the additional revenue to the increase in the excise taxes on cigarettes. I specifically suggested that the Senate conferees would be pleased if the House conferees would not recede to the Senate provisions concerning excise taxes on cigarettes without modification. Specifically, the Senate conferees expressed the hope that the House conferees would use the surplus revenues to eliminate the increase in excise tax on cigarettes for 1983.

Unfortunately, the House conferees would not take our suggestion and, contrary to our expressed desire, receded to the Senate provision on the excise taxes on cigarettes.

Mr. DOLE. Madam President, the Senator from Kansas assures the Members of the Senate that he is as concerned about the doubling of the excise taxes on cigarettes as anyone. Unfortunately, our attempts to reduce this tax in the conference did not work out as we hoped they would. I hope that those who are concerned about the cigarette excise tax do not use our failure in conference as an excuse to attempt to defeat this bill. I also would hope that at some convenient time we will be able to reduce the excise tax on cigarettes and, if need be, replace it with another revenue provision.

The material that follows is the discussion of the cigarette tax before the conference committee on H.R. 4901, which took place early in the morning of Sunday, August 15, 1982.

Chairman DOLE. Could I ask, and I know it can't be totally accurate, but as I understand, based on preliminary estimates and computations, we do have more money than requested or than required by the budget resolution in revenues, is that correct?

Mr. MCCONAGHY. That is correct, Mr. Chairman.

Chairman DOLE. And is there an estimate of that amount?

Mr. MCCONAGHY. Yes, if you assume a $1.2 billion with respect to possessions, then we are $1.7 billion over the $98.3 target.

Chairman DOLE. I am wondering, and I am probably not in a position to propose this, because we have a provision in our bill, and it relates to the cigarette excise tax.

I would hope that we might use the additional revenue to apply on the first year of the 8 cent tax increase, in other words, the increase that would increase from 8 to 16 cents per pack starting January 1, 1983, if we might use this surplus to reduce or eliminate that tax in the first year, and the tax in 1984 and 1985 would continue at the 16 cent per pack rate as opposed to 8 cents at the present level.

Mr. MCCONAGHY. I think, Mr. Chairman, that if you never had the effective date of that and did not have the increasing into effect for 1983, then the revenue from that would be about $1.7 or $0.8 billion, which is about the surplus you are over if you adopt the provisions suggested.

Mr. GIBBONS. I have a little trouble with that figure that you and Mr. McConaghy just came up with, because when we started this discussion, we were not planning to put any extended benefits in this entire package. We have just put in extended benefits that will spend out at the rate of, in a 12-month period, of $3.7 billion.

I hope they will not last that long but at least they will spend out at the rate of $1.9 billion, so instead of being $1.7 billion under or surplus, it looks like to me, we are at least $200 million, at least that short.

I can't see where you laid a predicate for a cigarette tax.

Mr. PICKLE. I am confused.

Mr. GIBBONS. I will be glad to go back through those figures when we started off. We had not planned to put any unemployment compensation in this whole legislative process. We put in at least $1.6 billion, and Mr. McConaghy said we were $1.9 billion, and Mr. McConaghy said we were $1.7 over, so we are at least $200 million short.

Chairman DOLE. As I understand, offsetting receipts, that is not the problem suggested by Congressman Gibbons?

Mr. ROSTENKOWSKI. Mr. Chairman, there comes a time in the legislative process when it is very painful, because as we all are aware, the conference, when a body comes to the conference with their proposal after having worked in the vineyard to try and fashion a piece of legislation that really sets the stage for the culmination of many weeks' work, certainly nobody, no one individual has worked harder than you at putting and fashioning this package; and you are totally defenseless at this point, and certainly I realize that, because the House has the privilege of receding and there is no action that the Senate can take.

We have discussed this in our caucus, in our Conference, and it was almost a unanimous vote of that caucus, at least at the time that we were polled, that this provision in the Conference, we would recede to, and so——

Mr. CONABLE. What provision are you referring to, Mr. Chairman.

Mr. ROSTENKOWSKI. The provision with respect to the cigarette tax, and so, Mr. Chairman, I am terribly sorry but at this juncture, the House recedes to the position of the Senate.

Chairman DOLE. That is not unexpected.

I suggest that, I can't quarrel with that decision. We thought there would be a House bill, and we could trade off a few things but there is not any House bill, and we can't trade off what we brought, and we brought the best we could.

I do think we were, in retrospect, pretty tough on one industry, but, again, that has been done.

Mr. DOLE. Madam President, I ask unanimous consent to have printed in the RECORD a summary of the spending reduction provisions of H.R. 4961 agreed to by the House and Senate conferees. I also ask unanimous consent to have printed in the RECORD a table showing a State-by-State breakdown of the additional weeks of unemployment benefits that will be available under the unemployment compensation provision agreed to by our conference.

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

SUMMARY

MEDICARE

1. Medicare Payments Secondary for Older Workers Choosing to be Covered Under Group Health Plans—The conferees agreed to the Senate provision which would require employers to offer employees aged 65 through 69 and their dependents the same health benefit plan offered to younger workers and would make medicare the secondary payor to those plans for such employees and their aged spouses. The decision whether to take this private coverage or select medicare as primary payor would be voluntary for the individual. Medicare payments would be reduced for any item or service furnished to an employee or spouse if the combined payment under medicare and the employer's health plan would otherwise exceed, for items or services reimbursed on a cost basis, their reasonable cost, or, for items or services reimbursed on a charge basis, the higher of medicare's reasonable share or the amount allowable under the employer health benefit plan. In no case would medicare pay more than it would otherwise have paid. Employers with less than 20 employees would be exempt from the provision. The measure would become effective January 1, 1983.

2. Reimbursement for Inpatient Radiology and Pathology Services—Under current law, medicare part B pays 100 percent of the reasonable charges of radiologists and pathologists who furnish radiology and pathology services to hospital inpatients and who accept assignment in all cases for these services.

The conferees agreed to the Senate provision which eliminates the special 100 percent reimbursement rate thereby providing that medicare will pay for such services on the same basis as other physicians' services, i.e., 80 percent of reasonable charges after the part B deductible has been met.

3. Elimination of the Inpatient Routine Nursing Salary Cost Differential—The conferees agreed to the Senate provision which eliminates the routine nursing salary cost differential.

4. Reimbursement of Provider-Based Physicians—The conferees agreed to a Senate provision, with minor modifications, which directs the Secretary of Health and Human Services to prescribe regulations which will distinguish between (1) professional medical services which are personally rendered to an individual patient, which contribute to the patient's diagnosis or treatment, and are reimbursable only under part B on a charge basis; and (2) professional medical services which are of benefit to patients generally and which can be reimbursed only on a reasonable cost basis. Reasonable cost reimbursement for provider-based services could not exceed a reasonable compensation equivalent established by the Secretary in regulations.

5. Part B Premium as Constant Percentage of Costs—Individuals who elect to be covered under medicare part B are required to pay a monthly premium. The amount of the premium, which is set annually, is $12.20, effective July 1, 1982.

Currently, annual increases in the premium are limited to the percentage by which cash social security benefits have most recently been increased. The Senate provision would suspend this limitation and increase premiums on October 1, 1982, on July 1, 1983, and on July 1, 1984, to a level which will result in premium revenues for each period beginning on such date equal to 25 percent of program costs for aged beneficiaries. The normal part B premium calculation and limitation would resume on July 1, 1985.

The conferees agreed to the Senate provision with a modification under which no premium increase would occur before July 1, 1983. The measure will result in a projected monthly premium of $13.70 beginning July 1, 1983 (rather than the $13.10 projected under current law), and a monthly premium of $15.30 beginning July 1, 1984 (rather than $14.00 under current law).

6. Medicare Reimbursement to Hospitals—The conferees agreed to hospital reimbursement provisions, as follows:

(a) Expansion of Section 223 Limits to Include Ancillary Costs—

(i) The current Section 223 limitation would be extended to include ancillary costs, applied on an average cost-per-case basis, and adjusted for case mix. In no case would reimbursement on a cost-per-case basis be reduced below the current allowable cost-per-case. The new limitation would be applicable to hospital cost reporting periods beginning on or after October 1, 1982. For the first year, the limitation would be set at 120 percent of the mean for hospitals of the same type; for the second year, the limitation would be 115 percent of the mean; and for the third and subsequent years, the limitation would be 110 percent of the mean.

(ii) Appropriate adjustments would be required for the special needs of psychiatric hospitals and hospitals serving a significantly disproportionate number of low-income or medicare patients. Rural hospitals with less than 50 beds would be excluded. Other appropriate exemptions, exceptions, and adjustments would be required as in the Senate provision.

(b) Three-year Rate of Increase Provision—

(i) A "target" reimbursement system would be established. The target rate would be the previous year's allowable operating costs per case (or, after the first year, the previous year's target amount) increased by the percentage increase in the hospital wage and price index plus one percentage point. A hospital with operating costs below the target rate would be paid its costs plus a bonus of 50 percent of the savings (not to exceed 5 percent of the target rate); a hospital with costs above the target rate would be allowed 25 percent of its costs in excess of the target for the first two years; none of the excess would be reimbursed in the third year. Provider payments under the target reimbursement system could not exceed the amount payable under the new Section 223 limitations.

(ii) The Secretary of HHS would be required to provide for appropriate exemptions, exceptions, and adjustments as in the Senate provision.

(iii) The target reimbursement system would be applicable to a hospital's first three cost-reporting periods beginning on or after October 1, 1982, but cease upon implementation of a prospective payment system.

(c) Prospective Payments for Hospitals and Skilled Nursing Facilities—The Secretary would be required to develop, in consultation with the Senate Committee on Finance and the House Committee on Ways and Means, medicare prospective reimbursement proposals for hospitals, skilled nursing facilities and, to the extent feasible, other providers, and to report to the committees on the proposals within five months of the date of enactment.

(d) Recognition of State Hospital Cost Control Systems—The Secretary would be authorized to provide, at the request of a State, that medicare hospital payments could be made under a hospital reimbursement control system in the State if, and so long as: (1) the system applies to substantially all non-Federal hospitals and at least 75 percent of hospital inpatient revenues in the State; (2) the system treats payors, hospital employees, and patients equitably; and (3) the Secretary is satisfied that it will not result in greater medicare expenditures over a three-year period. In making this determination, the Secretary could recognize previous cost savings under the system. With respect to the authority provided to the Secretary under current law to establish and continue medicare demonstration projects, the Secretary would be prohibited from terminating a project for six months after he notifies the State of his decision to terminate.

7. Elimination of Private Room Subsidy—The conferees agreed to the Senate provision, Medicare currently determines its payments to hospitals on the basis of the average costs for all its accommodations, including the additional costs of private rooms even though medicare generally is intended to cover only the costs of semi-private room accommodations. The provision requires the Secretary to publish regulations which would eliminate the subsidy for the extra cost of private rooms.

8. Single Reimbursement Limits for Skilled Nursing Facilities and Home Health Agencies—The conferees agreed to the Senate provision which requires the Secretary to establish a single payment limit for hospital-based and freestanding skilled nursing facilities and a single payment limit for home health agencies on the basis of the cost experience of freestanding facilities.

9. Elimination of Duplicate Payments for Outpatient Services—The conferees agreed to the Senate provision which requires the Secretary of Health and Human Services to issue regulations that would eliminate the duplicative payment of overhead expenses from the charges of a physician who performs services in a hospital's outpatient department.

10. Audit and Medical Claims Review—The conferees agreed to the Senate provision which requires that the medicare contractor budgets for fiscal years 1983, 1984, and 1985 be supplemented by $45 million in each year to be spent for contractor audit and medical review activities.

11. Temporary Delay in Periodic Interim Payments—The conferees agreed to the Senate provision. Under present law, hospitals may receive payments for services rendered to beneficiaries on the basis of periodic interim payments (PIP) that result in an average 3-week lag between the rendering of service and the receipt of payment.

The provision changes the periodic interim payment procedure by providing for a delay in the flow of PIP payments during September 1983. A similar deferral is authorized during September 1984.

12. Reimbursement of Assistants at Surgery—The conferees agreed to the Senate provision, with minor modifications. The provision prohibits reasonable charge reimbursement for an assistant at surgery in hospitals where an approved training program exists in the specialty, except under the following exceptional circumstances: (1) the service is complex and requires performance by a team of physicians; (2) the patient has multiple conditions which require the presence of and active care by a physician of another specialty during an operation; (3) exceptional medical circumstances; and (4) other exceptional circumstances as determined by the Secretary.

13. Prohibition of Payment for Ineffective Drugs—The conferees agreed to the Senate provision implementing Section 2103 of the Omnibus Budget Reconciliation Act of 1981 which prohibits the use of Federal funds under medicare Part B and under medicaid to pay for certain less than effective drugs.

14. Health Maintenance Organizations and Other Competitive Medical Plans—The conferees agreed to the Senate provision with the following changes:

(a) accept the Senate definition of an eligible plan, except that State licensed HMO's would not be included in the definition;

(b) accept a provision with regard to HMO and other plan qualification standards which requires the HMO to provide all medicare services, and requires the Secretary to approve a minimum benefit package;

(c) require the Secretary to establish guidelines for beneficiary information;

(d) accept the Senate provision with regard to enrollment mix with a modification eliminating the requirement that medicare enrollment in a plan not exceed 50 percent;

(e) accept the Senate provision with a modification requiring that participating HMO's or plans have at least 5,000 members (although the Secretary could waive the requirement for rural HMO's and plans) and requiring the Secretary to be satisfied that an HMO has the capacity to bear the risk of potential financial losses;

(f) accept a modification requiring enrollment of two medicare beneficiaries who are not members of an HMO in order to convert one medicare beneficiary;

(g) accept, with minor modification, the Senate provision relating to the calculation of the government contribution;

(h) accept the Senate provision relating to distribution of HMO and plan savings except (i) the requirement for approval of a broader minimum benefit package by a committee of members and (ii) the requirement that "rebates and dividends" be offered to beneficiaries.

15. Technical Corrections Relating to Medicare—The conferees agreed to the Senate provision making miscellaneous technical corrections to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

16. Hospice Care—The conference agreement follows the Senate provision with the following changes:

(a) the benefit period would consist of two periods of 90 days and one period of 30 days;

(b) the reference to "speech therapy" would be changed to "speech-language pathology";

(c) the Senate provisions would be clarified to authorize the Secretary to eliminate duplication where any provider requirements under this provision are identical to requirements already met by the provider under other agreements with the Secretary;

(d) there would be no reimbursement under part B for an individual's attending physician who is employed by the hospice;

(e) counseling would be included as a care service;

(f) the Senate provisions would be clarified to provide that non-care services could be provided, under arrangements, by others;

(g) a five-percent copayment on respite care services and a five-percent copayment on drugs covered are required under the provision.

The entire hospice provision expires on September 30, 1986.

17. Coverage of Extended Care Services Without Regard to 3-Day Prior Hospitalization Requirement—The conferees agreed to a provision which authorizes the Secretary of HHS to eliminate the 3-day prior hospital stay requirement for skilled nursing facility coverage at such time as, through reimbursement changes or other adjustments, he determines that such action will not lead to an increase in program costs and that it will not alter the acute care nature of the benefit.

18. Medicare-Coverage of, and Application of Hospital Insurance Tax to, Federal Employment—The provision adopted by the conferees with respect to application of the hospital insurance tax to Federal employment appears under items relating to revenue.

19. Prohibiting Recognition of Payments Under Percentage Arrangements—The conferees agreed that, with respect to all providers, no cost incurred under a contract would be considered reasonable if determined as a percentage (or other proportion) of the provider's reimbursement. The provision would not apply where costs incurred under a percentage arrangement were subject to the limitation on reimbursement of provider-based physicians established elsewhere in the conference agreement.

Further, the provision would not apply to a percentage contract that is reasonable and where such contract is a customary commercial business practice or provides incentives for the efficient and economical operation of the provider of services.

20. Interest Charges on Overpayments and Underpayments—The conferees agreed to a modified proposal which would require interest payments with respect to medicare overpayments. Similarly, the medicare pro-

gram would be required to pay providers interest on underpayments.

21. Prohibiting Payment for Hill-Burton Free Care—The conferees agreed to a provision which requires the Secretary to provide, by regulation, that the cost incurred by a hospital on SNF in complying with its free care obligation under the Hill-Burton Act would not be considered reasonable for purposes of medicare reimbursement.

22. Prohibiting Payment for Anti-Unionization Activities—The conferees agreed to a provision which prohibits medicare reimbursement for costs incurred for activities directly related to influencing employees respecting proposed unionization.

23. Eliminating "Lesser of Cost or Charges" Provision—Under present law, payment for services furnished by providers is limited to the lower of the provider's customary charge or the reasonable cost of the service. The conference agreement would provide that the lesser of cost or charges provision of current law would not apply to a class of providers if the Secretary determines and certifies to Congress that elimination of the provision will not increase medicare payments to that class of providers.

24. Extending Medicare Proficiency Examination Authority—The conferees agreed to a provision that would extend to September 30, 1983, the authority of the Secretary of HHS to conduct a program to determine the proficiency of health care personnel, including clinical lab personnel, who do not meet certain formal education requirements.

25. Retroactivity of Regulations Regarding Access to Books and Records—Section 952 of P.L. 96-499, the Omnibus Budget Reconciliation Act of 1980, allows the Secretary of HHS or Comptroller General to have access to the books and records of subcontractors who supply hospitals or other providers with goods and services valued at $10,000 or more over a 12-month period. The provision requires that the Secretary prescribe in regulations the procedures and criteria to be used in obtaining access to the appropriate books, documents and records. The regulations have yet to be proposed.

The conferees agreed to a provision which would prohibit the regulations from being applied retroactively unless such regulations are issued in final form prior to January 1, 1983, preceded by a comment period of no less than 60 days.

26. Private Sector Utilization Review—The conferees agreed to a statutory provision which would require the Secretary of HHS to undertake an initiative to improve medical review by intermediaries and carriers under medicare and to encourage similar review efforts by private insurers and other private entities. The initiative would include the development of specific standards for measuring the performance of intermediaries and carriers with respect to the identification and reduction of unnecessary utilization of health services.

27. Special Part B Enrollment Without Penalty—The conferees agreed to a provision requiring a special open enrollment period under medicare during which time merchant seamen, whose free health care coverage under the Public Health Service Act was eliminated in 1981, could enroll without being required to pay a late penalty.

28. Establishment of Utilization and Quality Control Peer Review Program—The conferees agreed, with modifications, to the Senate provision repealing the existing Professional Standards Review Organization (PSRO) program and requiring the Secretary of HHS to enter into performance contracts for utilization and quality control peer review.

The conference agreement follows the Senate provision requiring two-year contracts with peer review organizations composed of, or having available, a substantial number of licensed physicians with a modification which would:

(a) prohibit contracts with provider or provider-affiliated organizations (although subcontracts for delegated review);

(b) provide that contract termination procedures would not apply to contract nonrenewals.

The conferees agreed to the Senate provision exempting review organizations from the Freedom of Information Act and establishing disclosure rules for such organizations with a modification which would:

(a) require the review organization to disclose to the appropriate State agency information identifying a particular practitioner or provider when, in the organization's judgment, there is reason to believe that a risk to the public health exists; and

(b) require the review organization to disclose information to a State or Federal fraud or abuse agency or an authorized State licensure or certification agency, at the request of such agency on a case-by-case basis. This information could include institution or practitioner-specific data.

The conference agreement follows the Senate provision relating to the transition from the existing PSRO program with a modification which would prohibit the Secretary from terminating an operating PSRO, until such time as the Secretary has entered into a contract with a review organization under this provision.

The conferees agreed to the Senate provision requiring the Secretary to report to the Congress annually with a modification requiring the Secretary to provide information on the efficiency of payment methodologies used by the Secretary in contracting with review organizations.

29. Provisions Not Included in the Conference Agreement—The conference agreement does not include the provisions relating to the one month delay in entitlement to medicare benefits; the five percent copayment for home health services; the increase in the part B deductible; the limitation on the physician fee economic index; the judicial review of decisions by the Provider Reimbursement Review Board; and the optional alternative medicare program (medicare vouchers).

MEDICAID

1. Medicaid Optional Copayments—The conferees agreed to the Senate provision regarding copayments with the following modifications:

(a) all copayments would be nominal, except the "nominal" requirement could be waived by the Secretary in the case of nonemergency services in emergency rooms where certain conditions are met;

(1) children under 18 (States at their option could exempt children up to 21 from copayments);

(2) services related to pregnancy (or, at State option, all services for pregnant women);

(3) patients in skilled nursing and intermediate care facilities;

(4) catagorically needy persons enrolled in an HMO (and a State may elect to exclude all medicaid enrollees in an HMO from copayments);

(5) emergency services and family planning services.

2. Liens/Transfer of Assets—The conferees agreed to a modification of the Senate provision, which provides that:

(a) a State may not impose a lien on the home of an institutionalized medicaid recipient if there is a spouse, sibling, disabled or dependant child in the home;

(b) the lien could not be closed until the home is sold or the recipient dies, or while certain nondependent children remain in the home;

(c) a State may deny medicaid to persons who transfer a home for less than market value for a specified period.

The conferees also agreed to a provision to allow medicaid for persons like Mattie Dudley who have burial funds which currently disqualify them from medicaid.

3. Medicaid Error Rate—The conferees agreed to the Senate provision to reduce matching to States with eligibility error rates in excess of three percent with the following modifications: overpayment errors due to resource tests would be treated in the same manner as overpayments due to incorrectly applied spend-down liability, and technical errors would be excluded.

4. Optional Medicaid Coverage of Disabled Children at Home—The conferees agreed to a provision that would allow States home to certain disabled children who are currently eligible only if institutionalized. The provision addresses cases like that of Katie Beckett, where previously medicaid was not available if the child received care at home.

5. Medicaid Technical Amendments—The conferees agreed to provisions making certain technical corrections to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

6. Six-Month Moratorium on Nursing Home Regulations—The conferees agreed to a provision that would prevent the regulations currently proposed by the Secretary regarding changes in surveys and certification requirements for nursing homes from going into effect for six months.

7. Medicaid Funding in American Samoa—The conferees agreed to a provision that would provide Federal funding for medical services in American Samoa.

PROVISIONS NOT INCLUDED IN THE CONFERENCE AGREEMENT

The conferees did not agree to the following proposals: provision to eliminate Federal matching for States paying the medicare part B premium for joint medicaid/medicare eligibles a provision to allow States the option of continuing medicaid coverage for working families who are made ineligible for AFDC as a result of various earned income changes made by the Omnibus Budget Reconciliation Act of 1981; and a provision expanding States' options to qualify for a one-percent offset to last year's matching reductions by holding down increases in hospital costs.

AID TO FAMILIES WITH DEPENDENT CHILDREN

Rounding of AFDC Eligibility and Benefit Amounts—The conferees agreed to a Senate provision requiring States to round both their standards and actual monthly benefit amounts to the lower whole dollar.

Prorate First Month's Benefit Based on Date of Application—The conferees agreed to a Senate provision requiring States to pay benefits beginning no earlier than the date an application is filed. The benefit amount would be prorated based on the date of application.

Eliminate Military Service as Basis for AFDC Eligibility—The conferees agreed to a Senate provision excluding absence based solely on military duty as a basis for need. However, if the parent has left the home for other reasons and is not providing support, the family may still be eligible for assistance. In this case, as provided in present law, the custodial parent would have to assign to the State any rights to child support which have accrued.

Job Search—The conferees agreed to a House provision which permits States to require AFDC applicants and recipients to participate in a program of employment search beginning at the time of application. States exercising this option may limit participation to certain groups or classes of individuals who are required to register for WIN and the provision permit the State to shorten the duration of the sanction period. Transportation and other necessary costs incurred by participants must be paid and States would receive 50 percent Federal matching funds for transportation and other services. An initial 8-week search period is allowed plus an additional 8-week period each year (which could add up to 16 weeks in the first year). States may not use the job search requirement as a reason for delaying eligibility determinations or making payments to those otherwise eligible.

Prorating Shelter and Utilities for AFDC Families Which Share Households—The conferees agreed to a Senate provision allowing States to adjust the AFDC benefit when the AFDC family shares a household with other individuals. (States could not prorate in the case of an SSI recipient to whom a one-third benefit reduction applies.) States would be authorized to prorate, on a reasonable basis, the portion of the AFDC grant which the State designates for shelter and utilities. In States which elect this option, the State would be free to design the method of proration and the circumstances in which proration would be applied. The Secretary is authorized to prescribe broad guidelines for States which use this option.

Reduce Federal Match for Errors—The conferees agreed to a modification of a Senate provision limiting the Federal match for erroneous benefit payments in the AFDC program to four percent in fiscal year 1983, and three percent in fiscals years 1984 and 1985. The imposition of fiscal sanctions would be applied on a retrospective basis. The Secretary of Health and Human Services may exercise waiver authority in cases he or she deems appropriate.

Retrospective Accounting Option.—The conferees agreed to a Senate provision allowing States the option of excluding from calculations of AFDC benefit amounts, any payments made solely from State funds that are designed to compensate for lost income in the period before the new benefit amount can be calculated.

WIN Demonstration Authority.—The conferees agreed to a Senate provision reopening the option for States to operate Work Incentive (WIN) Demonstration Programs. A provision of the 1981 Omnibus Budget Reconciliation Act authorized the States, at their option, to operate three-year work incentive demonstration programs. However, the State had to declare its intention to operate such a demonstration program within 60 days of enactment of the Omnibus Budget Reconciliation Act. The provision would reopen this option for the States for an additional two years. The requirements and regulations which applied to the earlier WIN Demonstration Program would apply to the extension.

Exclusion from Income of Certain State Payments.—The conferees agreed to a House provision which allows States to continue to exclude from countable income, both in the month of receipt and in future months, certain special payments made by a State to AFDC households.

Technical Amendments to Title XX Social Services and Foster Care Program.—The conferees agreed to a House provision which makes technical corrections to social services and foster care provisions of Public Law 97-35.

The conferees did not agree to the following proposals: sanction for termination or reduction of employment; the inclusion and exclusion of specified individuals' needs and income (counting eligibility of a parent, eligibility of a child, and counting income of unrelated persons); repeal of the emergency assistance program; and the treatment of earnings (earnings disregards, earnings from CETA youth jobs, gross income limitation, and the treatment of the earned income tax credit).

CHILD SUPPORT ENFORCEMENT

Collection of Administrative Costs for Non-AFDC Child Support Enforcement—The conferees agreed to a Senate provision repealing the provisions enacted in P.L. 97-35 which would require States, in cases involving non-AFDC families, to charge any absent parent who is obligated to pay child support through the State Child Support Enforcement Agency a fee equal to 10 percent of the child support payment. The provisions restores the law in effect prior to P.L. 97-35 which allows States to charge a reasonable fee for a non-AFDC collection and retain from the amount collected an amount equal to administrative costs not covered by the fee. The provision also retains, as a State option, the authority to collect from the parent who owed child or spousal support an amount to cover administrative costs, in addition to the child support payment.

Allotments for Child and Spousal Support by Members of the Armed Forces—The conferees agreed to a Senate provision with a House modification which requires allotments from the pay and allowances of any member of the uniformed service, on active duty, when he or she fails to make child (or minor and spousal) support payments. The requirement would arise when the member failed to make support payments in an amount at least equivalent to the value of two months' worth of support. Provisions of the Consumer Credit Protection Act would apply so that the percentage of the servicemember's pay subject to allotment would be limited. In addition, the servicemember would be given an opportunity to consult a judge advocate or other law specialist.

Reimbursement of State Agency—The conferees agreed to a Senate provision that would allow States to reimburse themselves from the amount of support collected for AFDC that was already paid in the final month of eligibility. Thus, the family would not receive double payment for the same month, first in the form of AFDC and then through receipt of the proceeds of the support collection.

Reduction in Federal Matching for State Child Support Costs—The conferees agreed to a House provision which would reduce the Federal matching rate for State costs of operating the child support enforcement (CSE) program. Effective October 1, 1982, the rate will be reduced from 75 to 70 percent. Effective October 1, 1983, all matching will be eliminated for costs incurred by State and local courts in connection with the CSE program. In addition, the provision reduces State CSE incentive payments from 15 to 12 percent, effective October 1, 1983.

Technical Amendments to Child Support Enforcement Program—The conferees agreed to a House provision which makes several technical corrections in the child support enforcement provisions contained in Public Law 97-35, including the correction of inaccurate references.

SUPPLEMENTAL SECURITY INCOME (SSI)

Prorate First Month's Benefit Based Upon Date of Application—The conferees agreed to a Senate provision to prorate the first month's SSI benefit from the date of application or the date of eligibility, whichever is later.

The provision would also apply to the month in which an individual reapplies after a period of ineligibility.

Round SSI Eligibility and Benefit Amounts—The conferees agreed to a Senate provision to round SSI monthly benefits and income eligibility amounts to the next lower dollar. Rounding would take place after the cost-of-living adjustment is made.

Coordination of SSI and OASDI Cost-of-Living Adjustment—The conferees agreed to a Senate provision coordinating the cost-of-living increases in SSI and social security (OASDI). At the time the cost-of-living adjustment is made, the recipient's SSI benefit would be based on his or her social security payment in the same month, rather than in the second preceding month. In addition, whenever the Secretary determines that there is reliable information, on a recipient's income or resources in a given month, the SSI benefit would be based on that information. The Secretary would be required to prescribe by regulation the circumstances in which such information concerning a future event could be used to determine the monthly SSI benefit.

Phase Out of "Hold Harmless" Protection—The conferees agreed to a House provision continuing the phase out of "hold harmless" payments as follows: hold harmless payments would be reduced to 40 percent of what they would otherwise be in 1983, to 20 percent in 1984, with no hold harmless payments made in 1985 and years thereafter.

Exclusion from Resources of Amounts Set Aside for Burial Expenses—The conferees agreed to a House provision which would, for the purposes of determining SSI eligibility, exclude from countable resources burial spaces for an individual or members of his immediate family (subject to limits prescribed by the Secretary). Burial funds of up to $1,500 each for the individual and his or her spouse would also be excluded if specifically set aside for this purpose. Such funds would reduce the value of excludable life insurance policies. In addition, the $1,500 limit would be reduced by any amounts held by the individual in an irrevocable burial contract or other arrangements made to meet burial expenses. The Secretary would be authorized to periodically raise the $1,500 limit as may be necessary.

SSI Pass-Through Requirement—The conferees agreed to a House provision to allow a State to shift from the aggregate spending option to the State supplementation pay-

ment level option. A State could not decrease its State supplementation payment below the level in the previous December.

Treatment of Unnegotiated SSI Checks—The conferees agreed to a House provision that clarifies the authority to credit States for unnegotiated SSI benefit checks which are "State supplementation only" checks.

Recovery of SSI Overpayments—The conferees did not agree to a Senate provision to allow recovery of SSI overpayments from benefits payable under other programs administered by the Social Security Administration (Black Lung and OASDI benefits).

UNEMPLOYMENT COMPENSATION

1. Rounding of Unemployment Benefits—The conferees agreed to a Senate provision under which the Federal 50 percent matching share of extended unemployment benefits would not be available on that part of extended unemployment benefit payments which result from a failure on the part of the State to have a benefit structure in which benefits are rounded down to the next lower dollar.

2. Reed Act Funds—The conferees agreed to a House provision which extends for 10 years the authority for States to use Reed Act funds for administrative purposes. The provision also permits States that have used such funds to pay unemployment benefits to reestablish a Reed Act account.

3. Exclusion from FUTA of Wages Paid to Student Interns—The conferees agreed to a House provision which exempts from FUTA tax any wages paid to a student enrolled full-time in a work-study or internship program, regardless of age, for work that is an integral part of the student's academic program.

4. Extension of Exclusion from FUTA of Wages Paid to Certain Alien Farmworkers—The conferees agreed to a House provision which extends for two years, from January 1, 1982, to January 1, 1984, the provision of prior law that excluded wages paid to certain alien farmworkers from FUTA wages.

5. Unemployment Compensation (UC) Financing—The conferees agreed to the Senate provisions which increase the Federal unemployment tax (FUTA) wage base from $6,000 to $7,000 and which increase the FUTA rate from 3.4 to 3.5 percent effective January 1, 1983. (Employers in States with approved State programs will continue to receive the 2.7 percent offset credit under current law, so that the standard net Federal tax would be 0.8 percent.) Effective January 1, 1985, the FUTA tax rate is increased to 6.2 percent (a permanent tax of 6.0 percent and a temporary extended benefit tax of 0.2 percent) with a credit of 5.4 percent. States that under current State law allow certain specified industries to pay a non-experience based State unemployment tax rate that is below 5.4 percent, could provide for such industries to gradually reach the new 5.4 standard tax rate. Annual increases in the State unemployment tax rate for such industries could be limited to no less than 20 percent of the difference between the current rate paid by an employer and 5.4 percent.

The conferees also agreed to the following additional UC financing provisions which:

(a) allocate 60 percent of total FUTA revenues to the Employment Security Administration (ESAA) and 40 percent to the extended unemployment compensation (EUCA) accounts in the Federal Unemployment Trust Fund. Amounts allocated to EUCA which exceed the Federal share of extended benefit expenditures will be used to repay Federal general revenue advances. Upon repayment of the Federal general revenue advances to EUCA (and the elimination of the 0.2 percent temporary tax), 90 percent of FUTA revenues will be allocated to ESSA and 10 percent to EUCA, as under current law;

(b) permit States to make debt repayments out of their State trust fund accounts in lieu of further FUTA credit reductions provided the payments come from new funds generated through the State experience rating system and/or benefit reductions;

(c) drop the present law additional credit reductions in the fifth year of delinquent State loans so that credit reductions continue at an additional 0.3 percent each year; and

(d) allow a State, under certain conditions, to reduce payments of interest on Federal unemployment loans to 25 percent of the amount due in any year, and thereby extend the payment of the total interest obligation over a four-year period. (Interest would be charged on any deferral amount.)

6. Treatment of Certain Employees of Institutions of Higher Education—The conferees agreed to a House provision which allows States to deny unemployment compensation benefits to non-teaching, non-research and non-administrative employees of colleges and universities during periods between academic years or terms, if there is a reasonable assurance that the individual will be employed by the institution at the beginning of the forthcoming academic year or term.

7. Short-time Compensation—The conferees agreed to a House provision which directs the Department of Labor to develop model legislation that can be used by States that wish to establish short-time compensation (or "worksharing") programs. The Department of Labor is directed to evaluate the operation and impact of any such programs implemented by the states and report its findings to Congress no later than October 1, 1985.

The conferees did not agree to the following proposals: unemployment benefits for ex-servicemembers and interest on State unemployment loans transferred to the extended unemployment compensation account.

RECONCILIATION INSTRUCTION

[In millions]

	Fiscal Year			Total
	1983	1984	1985	
Senate Finance	4,429	5,564	5,976	15,969
Ways and Means	3,755	4,827	5,168	13,750
Medicare	3,162	4,122	4,240	11,524
Medicaid	674	737	808	2,219
Public assistance	593	705	928	2,226
Conference agreement [1] (preliminary estimates)				
Total savings	3,695	5,958	7,865	17,518
Medicare	2,879	4,430	5,998	13,307
Medicaid	275	364	502	1,141
AFDC	85	157	163	405
CSE	92	141	151	384
SSI	116	126	144	386
UC	−81	49	49	17
Debt management	329	691	858	1,878

[1] This table does not reflect the additional food stamp outlays of $184 million and additional medicaid outlays of $111 million resulting from two medicare provisions over the three-year period. Thus the total net outlay savings are $17,233 million. The table reflects the savings to each of the programs identified. The minus sign (−) for 1983 in unemployment compensation represents additional outlays.

ADDITIONAL WEEKS OF UNEMPLOYMENT BENEFITS (FSB) ANTICIPATED

[To be available (based on CBO projections except as noted)]

State	First quarter Number of weeks	Second quarter Number of weeks
Alabama	10	10
Alaska	10	10
Arizona	10	10
Arkansas	10	10
California	10	10
Colorado	6	6
Connecticut	6	[1] (6)
Delaware	10	10
Dist. of Columbia	6	8
Florida	6	6
Georgia	6	8
Hawaii	8	8
Idaho	10	10
Illinois	10	10
Indiana	10	10
Iowa	10	10
Kansas	10	10
Kentucky	10	10
Louisiana	10	10
Maine	10	10
Maryland	10	10
Massachusetts	10	10
Michigan	10	10
Minnesota	10	10
Mississippi	10	10
Missouri	10	10
Montana	10	10
Nebraska	6	8
Nevada	10	10
New Hampshire	6	6
New Jersey	10	10
New Mexico	10	10
New York	8	8
North Carolina	10	10
North Dakota	[1] (6)	8
Ohio	10	10
Oklahoma	6	6
Oregon	10	10
Pennsylvania	10	10
Puerto Rico	10	10
Rhode Island	10	10
South Carolina	10	10
South Dakota	6	6
Tennessee	10	10
Texas	6	6
Utah	10	10
Vermont	10	10
Virginia	6	6
Virgin Islands	10	10
Washington	10	10
West Virginia	10	10
Wisconsin	10	10
Wyoming	6	[1] (6)

[1] Based on Department of Labor projections.

Mr. HARRY F. BYRD, JR. Madam President, before commenting on the issue at hand and the debt limitation increase, I will comment just briefly on the conference action.

First, let me say that our colleague, the distinguished Senator from Kansas, did a tremendous job as chairman of the conferees. He worked constantly. I do not know how many hours the conference was in session, but we started early Friday afternoon and went all night Friday night, recessing around 9 a.m. Saturday morning. Then we came back into session at 3:30 Saturday afternoon. We were then in session until almost 3 o'clock Sunday morning.

During that entire period, the distinguished Senator from Kansas, Senator DOLE, had command of the situation, so to speak, and he spent full time going from one conference to another; there were a multitude of miniconference going on simultaneously.

The only comment I will make about the conference action, Madam President, is in regard to the spending re-

ductions. The Senate proposed mandated a reduction in spending of $17 billion.

The conference would not agree to that much of a spending reduction and indeed added to the spending before the conference was over. So the spending reduction, leaving out the smoke, as the chairman described it, the real spending reduction in this conference report will equal $13 billion compared to the $17 billion approved by the Senate. To me, that was very disappointing. As I said, I had not planned on commenting on the conference report today.

In regard to the debt limitation increase, the acting manager of the bill on the minority side voted against the debt increase legislation when it was before the Finance Committee. But I want to say for the record that on the minority side there were only three votes in opposition, including that of the Senator from Virginia, and on the majority side it was unanimous with no votes cast in opposition.

I wish to refer to just a few figures. In May of this year, the national debt stood at $1.065 trillion. Under this legislation, the debt ceiling and the debt is projected to go to $1.290 trillion as of September 30, 1983.

What that means is that in that short period of time of 17 to 18 months, the national debt will increase by $225 billion or 21 percent.

Madam President, that to the Senator from Virginia is deeply alarming. It dramatizes that we are not getting spending under control, that the deficits are huge.

Let us take it another step. The Senate budget resolution, which the Senate already has approved, provides for an increase in the national debt to a total of 1 trillion and 533 billion dollars by the end of September 1985. When one analyzes that, what the Senate has done by formal action is to initiate spending to the degree that spending will increase by $468 billion in a period of 3 years and 5 months ending September 30, 1985.

To put it another way, the national debt under legislation already initiated by the Senate will increase by 44 percent in 3 years and 5 months.

To me, that puts in focus just how serious is our Nation's economic policy, just how serious is our Government's financial problem. The national debt will increase from $1,065,000,000,000 in May 1982 to $1,533,000,000,000 by September 1985, 3 years and 5 months.

When one analyzes that, one finds that for 3 years in a row the Government will be operating at deficits exceeding $100 billion and averaging somewhere around $150 billion.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 1246

(Purpose: To prohibit the use of funds for the physical fitness facility in the Hart Senate Office Building and for the physical fitness facility in the Dirksen Senate Office Building, and for other purposes)

Mr. BAKER. Madam President, I have an amendment at the desk to the debt limit bill for myself, the distinguished minority leader (Mr. ROBERT C. BYRD), the distinguished Senator from Vermont (Mr. STAFFORD), and the distinguished Senator from Louisiana (Mr. JOHNSTON). I ask unanimous consent that that be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for himself, Mr. ROBERT C. BYRD, Mr. STAFFORD, and Mr. JOHNSTON, proposes an unprinted amendment numbered 1246.

Mr. BAKER. Madam President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the joint resolution add the following new section:

SEC. . (a)(1) Notwithstanding the directive of the Senate Office Building Commission of March 19, 1982, and notwithstanding any other provision of law, the Architect of the Capitol shall cease the obligation, commitment, or expenditure of any unallotted construction contingency funds (identified during the construction of the Hart Senate Office Building) for the purpose of completing the construction of the physical fitness facility in the Hart Senate Office Building.

(2) The Architect of the Capitol is authorized to obligate and expend from the construction contingency funds for the Hart Senate Office Building amounts which are prohibited to be obligated, committed, or expended by the first paragraph of this subsection for such other necessary expenses relating to the completion of the Hart Senate Office Building as the Architect of the Capitol deems necessary.

(b) No funds may be expended for the operation of the physical fitness facility in the Dirksen Senate Office Building after the date of enactment of this joint resolution.

(The names of Mr. HELMS, Mr. FORD, Mr. THURMOND, Mr. PROXMIRE, Mr. COHEN, Mr. DOMENICI, and Mr. CHILES were added as cosponsors of the amendment.)

Mr. BAKER. Madam President, I announced last week that I had written to the Building Commission asking them to defer funding of the gym in the new Hart Building pending further action by the Senate. This amendment provides, first, that no funds will be available for the purpose of outfitting the Hart Building gymnasium and, second, that no funds will be available for the operation of the gymnasium in the Dirksen Senate Building.

Madam President, the intent and purpose of that is obvious, I believe. That is, we have one gym, which will be in the Russell Building, and the other two will not be authorized.

I have no desire to debate this at length. Indeed, I ask unanimous consent that the amendment now be temporarily laid aside and that any rollcall votes which may be ordered on that amendment or in relation to it dealing with Senate gyms or any germane second-degree amendment thereto be postponed to begin at 2 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Reserving the right to object, Madam President, may I inquire, the amendments in the second degree would be in order on this amendment pertaining to the gym of the Hart Building?

Mr. BAKER. Yes.

Mr. HATFIELD. In other words, an amendment to abolish the exercise room in the Dirksen Building, 15 feet by 15?

Mr. BAKER. I say to my friend from Oregon, that is subsection (b).

Mr. HATFIELD. I am very grateful that was incorporated.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank all Senators.

Mr. President, I ask that it be in order to ask for the yeas and nays on the amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. I ask unanimous consent that the amendment may lie at the desk for further cosponsors during the balance of this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, it is my understanding that the Senator from North Carolina (Mr. HELMS) is in a position to offer the first of the abortion amendments.

I understand the distinguished manager of the bill, the chairman of the Committee on Finance, has an amendment that he wants to offer first, which is agreeable on both sides of the aisle. I shall yield to him so he may proceed with that. Members should be on notice that immediately after that, I anticipate that the Helms abortion amendment will be offered.

Mr. DOLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. A parliamentary inquiry. Is there an amendment pending?

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is pending.

Mr. DOLE. And it is open to amendment?

The PRESIDING OFFICER. That is correct.

UP AMENDMENT NO. 1247

(Purpose: To decrease the holding period required for long-term capital gain or loss treatment)

Mr. DOLE. Madam President, I send an unprinted amendment to the desk for myself and the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for himself, and Mr. HARRY F. BYRD, JR., proposes an unprinted amendment numbered 1247.

Mr. DOLE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the joint resolution, insert the following new section:

SEC. . (a)(1) Paragraphs (1), (3), and (4) of section 1222 of the Internal Revenue Code of 1954 (relating to other terms relating to capital gains and losses) are each amended by striking out "1 year" and inserting in lieu thereof "6 months".

(2) Paragraph (2) of section 1222 of such Code is amended by striking out "1 year" and inserting in lieu thereof "6 months".

(b) The following provisions of the Internal Revenue Code of 1954 are each amended by striking out "1 year" each place it appears and inserting in lieu thereof "6 months":

(1) Paragraph (1)(B) of section 166(d) (relating to nonbusiness debts).

(2) Subsection (a) of section 341 (relating to treatment of gain to shareholders in the case of collapsible corporations).

(3) Paragraph (2) of subsection (a) and subparagraph (L) of subsection (e)(4) of section 402 (relating to capital gains treatment for certain distributions in the case of a beneficiary of an exempt employees' trust).

(4) Subparagraph (A) of section 403(a)(2) (relating to capital gains treatment for certain distributions in the case of a beneficiary under a qualified annuity plan).

(5) Paragraph (1) of section 422A(a) (relating to incentive stock options).

(6) Paragraph (1) of section 423(a) (relating to employee stock purchase plans).

(7) Paragraph (1) of subsection (a) and paragraphs (1) and (2) of subsection (c) of section 424 (relating to restricted stock options).

(8) Paragraph (20) of section 582(c) (relating to capital gains of banks).

(9) Subparagraphs (A) and (B) of section 584(c)(1) (relating to inclusions in taxable income of participants in common trust funds).

(10) Paragraphs (3) and (4) of section 642(c) (relating to charitable deductions for certain trusts).

(11) Paragraphs (1) and (2) of section 702(a) (relating to income and credits of partner).

(12) Subparagraph (A) of section 817(a)(1) (relating to certain gains and losses in the case of life insurance companies).

(13) Subparagraph (B) of section 852(b)(3) (relating to taxation of shareholders of regulated investment companies).

(14) Subparagraph (A) of section 856(c)(4) (relating to definition of real estate investment trust).

(15) Subparagraph (B) of paragraph (3), and paragraph (7), of section 857(b) (relating to taxation of shareholders of real estate investment trust).

(16) Paragraph (11) of section 1223 (relating to holding period of property).

(17) Section 1231 (relating to property used in the trade or business and involuntary conversions).

(18) Paragraph (2) of section 1232(a) (relating to sale or exchange in the case of bonds and other evidences of indebtedness).

(19) Subsections (b), (d), and subparagraph (A) of subsection (e)(4) of section 1233 (relating to gains and losses from short sales).

(20) Paragraph (1) of section 1234 (b) (relating to special rule for gain or lapse of an option granted as part of a straddle).

(21) Subsection (a) of section 1235 (relating to sale or exchange of patents).

(22) Paragraph (4) of section 1246(a) (relating to holding period in the case of gain on foreign investment company stock).

(23) Subsection (i) of section 1247 (relating to loss on sale or exchange of certain stock in the case of foreign investment companies electing to distribute income currently).

(24) Subsection (b), and subparagraph (C) of subsection (g)(3), of section 1248 (relating to gain from certain sales or exchanges of stock in certain foreign corporations).

(25) Subparagraph (A) of section 1251(e)(1) (defining farm recapture property).

(c) Section 631 of such Code (relating to gain or loss in the case of timber, coal, or domestic iron ore) is amended—

(1) by striking out "1 year" in subsection (a) and inserting in lieu thereof "6 months before the beginning of such year", and

(2) by striking out "1 year" in subsections (b) and (c) and inserting in lieu thereof "6 months".

(d)(1) Except as otherwise provided by this subsection, the amendments made by this section shall apply to sales and exchanges made after June 30, 1982.

(2) The amendment made by subsection (a)(2) shall not apply with respect to the sale or exchange of property held by the taxpayer on June 30, 1982.

(3) The amendments made by subsections (b) and (c) shall not apply with respect to losses on the sale or exchange of property held by the taxpayer on June 30, 1982.

Mr. DOLE. Madam President, let me explain briefly what this amendment does. I know of no objection to the amendment. It has been cleared on both sides. In fact, it was in the bill passed last year in the House and in the bill we just finished going to conference on that was in the Senate bill.

I am offering the amendment for myself and the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) to House Joint Resolution 520 to deal with an important tax change that was included in the Senate version of H.R. 4961, the Tax Equity and Fiscal Responsibility Act of 1982. This change—reducing the holding period for long-term capital gains from 12 months to 6 months—unfortunately was rejected by the House conferees on the tax bill this weekend. However, after discussion with House Members and others who have an interest in this matter, I have determined that it is worth making another try at this time.

The 6-month holding period for capital gains was, I believe, one of the more important provisions of the Senate-passed tax bill. There is considerable evidence that the difference in tax treatment of short- and long-term transactions under present law provides an incentive for investors not to realize short-term gains. Studies of capital asset sales data confirm that investors are "locked in" to investments simply because they do not want to be taxed on short-term gains. As a result, the efficiency of capital markets is reduced because investors hold assets longer than they might otherwise, in the absence of tax considerations. By reducing the capital gains holding period, we expect to reduce the lock-in effect and its adverse impact on capital market efficiency. It should also be noted that, prior to 1976, the holding period was 6 months.

Madam President, this issue has been carefully considered both this year and last, and there is considerable support for it. It is endorsed by the Reagan administration, and it was passed by the House of Representatives last year in its consideration of ERTA. The provision did not survive conference on ERTA, however, just as it did not survive this year's conference. But surely it is significant that each House now has passed major legislation including a 6-month holding period provision. It was a deep disappointment to me that this provision could not be agreed to by the House in the conference on H.R. 4961. However, I discussed the matter at some length with Chairman ROSTENKOWSKI and others, and I believe that the provision will be carefully considered if it is added to another revenue bill, there is considerable interest in this on both sides of the aisle in both the House and the Senate, and as I have indicated before for that reason we are offering it today.

I should also note that the amendment I offer today deals with a technical problem that was overlooked in the comparable provision of H.R. 4961. When we drop the holding period to 6 months, we change the definition of long-term losses as well as gains. It has come to our attention, however, that some investors may have been counting on a short-term loss on assets held between 6 and 12 months to offset other short-term gains they may have had. Unless we expressly provide for that contingency, those short-term losses attributable to sales or exchanges after June 30 will be converted to long-term losses if the asset was held more than 6 months. Accordingly, my amendment contains an appropriate transition rule to allow a grace period for the change regarding the definition of short-term losses, so the taxpayer who relied on prior law will have sufficient time to realize a short-term loss needed to offset a short-term gain.

STRADDLE PROBLEM

Madam President, I should also note that I am aware that the language contained in the amendment I offer today does not include a technical conforming amendment that may be needed to deal with an unintended impact of this change on the treatment of certain stock options under the tax straddle rules enacted last year in the Economic Recovery Tax Act. In general, I believe that where there is no possibility of the conversion of ordinary income or short-term capital into long-term capital gain, through offsetting stock option positions, the complex tax straddle rules should not apply. I hope to offer a technical amendment in the near future or to incorporate language during conference on this measure to deal with this problem and make absolutely clear the relation between the new 6-month holding period rule and the tax straddle rules.

Madam President, I believe that summarizes the case for this amendment. I hope it will be adopted by the Senate and enacted into law.

Mr. HARRY F. BYRD, JR. Madam President, this I think is a good amendment offered by the Senator from Kansas on behalf of himself and the Senator from Virginia. The Senate has passed this proposal earlier, but, as the Senator from Kansas indicated, it was eliminated from the tax bill by the joint Senate-House conference.

While I support the amendment and think it is a good one, and feel it should be enacted, I will have to ask that it not be voted on at this time; there may be Members of the Senate who have different ideas who would be inclined to oppose it. They should have the opportunity to debate it.

May I say to the Senator from Kansas that I do not know whether it is his idea whether there be a recorded vote or whether it should be done by voice vote. If it is to be done by a voice vote, I ask that it not be done at the present time; there may be Members on this side of the aisle who would be inclined to oppose it, although I think it will be approved overwhelmingly when it does come to a vote.

Mr. DOLE. I am perfectly willing to do it either way. I will not ask for a vote until everybody has had a chance to be notified. If there is any doubt, I do not want to approve it at this time. As I said, we used to have a 6-month holding period up until 1976. It was a part of the House provision in the Economic Recovery Tax Act last year. It was a part of the Senate provision this year. We lost it in conference on two occasions, but I certainly do not want to deny anybody an opportunity to speak against the amendment or speak for the amendment. I understand there may be others who would like to speak for the amendment. So we could probably work out some accommodation as was done on the last amendment, to ask permission that this be laid aside until Members have had an opportunity to take a look at it.

Mr. HARRY F. BYRD, JR. I might say that the Senator from Arkansas (Mr. BUMPERS) has phoned that he would like to come to debate the issue.

Mr. DOLE. Does the Senator want to do that now?

Mr. HARRY F. BYRD, JR. He is supposed to be on his way.

Mr. DOLE. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair, and I thank the Senator from Kansas.

Mr. President, I have discussed this now with the author of the amendment, the managers of the joint resolution, and the minority leader. I believe it has been cleared by all of the principals involved, and I will state it now for the consideration of the Senate.

Mr. President, I ask unanimous consent that the Dole amendment which is now pending be temporarily laid aside and that it will occur as the pending question at the suggestion of the majority leader at any time after first consulting with the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, I hope that shortly we can have the Helms amendment pending and I will either yield the floor for that purpose or I will suggest the absence of a quorum.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS, Mr. President, I thank the Chair.

UP AMENDMENT NO. 1248

Mr. President, I send an unprinted amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 1248.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. PACKWOOD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the end thereof, add the following: TITLE II.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

Mr. PACKWOOD. Mr. President, I did not hear the reading. I am sorry.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the end thereof, add the following: TITLE II.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, we are about to enter into apparently a rather lengthy discussion on the subject of abortion amendments, maybe more than one.

We had hoped that we would be able to reach a unanimous-consent agreement last week on considering both an abortion bill and an amendment and a constitutional amendment, but we were unable to reach that conclusion.

In that case, I think it clear that we are going to need lengthy discussion on this subject in an effort to attach these amendments to the debt ceiling.

So I wish to have a chance to read to the Senate the "History of Abortion in America" by Dr. James C. Mohr so that the Senate might be aware of what the situation was in this country

at the time of its founding and what the situation has been involving abortion from the time of the founding of this country until now.

In the absence of any legislation whatsoever on the subject of abortion in the United States in 1980, the legal status of the practice governed by the traditional British common law as interpreted by the local courts of the new American states. For centuries prior to 1800 the key to the common law's attitude toward abortion had been a phenomenon associated with normal gestation known as quickening. Quickening was the first perception of fetal movement by the pregnant woman herself. Quickening generally occurred near the midpoint of gestation, late in fourth or early in the fifth month, though it could and still does vary a good deal from one woman to another. The common law did not formally recognize the existence of a fetus in criminal cases until it had quickened. After quickening, the expulsion and destruction of a fetus without due cause was considered a crime, because the fetus itself had manifested some semblance of a separate existence: the ability to move. The crime was qualitatively different from the destruction of a human being, however, and punished less harshly. Before quickening, actions that had the effect of terminating what turned out to have been an early pregnancy were not considered criminal under the common law in effect in England and the United States in 1800.

Mr. President, let me read that sentence again.

Before quickening, actions that had the effect of terminating what turned out to have been an early pregnancy were not considered criminal under the common law in effect in England and the United States in 1800.

Both practical and moral arguments lay behind the quickening distinction. Practically, because no reliable tests for pregnancy existed in the early nineteenth century, quickening alone could confirm with absolute certainty that a woman really was pregnant. Prior to quickening, each of the telltale signs of pregnancy could, at least in theory, be explained in alternative ways by physicians of the day. Hence, either a doctor or a woman herself could take actions designed to restore menstrual flow after one or more missed periods on the assumption that something might be unnaturally "blocking" or "obstructing" her normal cycles, and if left untreated the obstruction would wreak real harm upon the woman. Medically, the procedures for removing a blockage were the same as those for inducing an early abortion. Not until the obstruction moved could either a physician or a woman, regardless of their suspicions, be completely certain that it was a "natural" blockage—a pregnancy—rather than a potentially dangerous situation. Morally, the question of whether or not a fetus was "alive" had been the subject of philosophical and religious debate among honest people for at least 5000 years. The quickening doctrine itself appears to have entered the British common law tradition by way of the tangled disputes of medieval theologians over whether or not an impregnated ovum possessed a soul. The upshot was that American women in 1800 were legally free to attempt to terminate a condition that might turn out to have been a pregnancy until the existence of that pregnancy was incontrovertibly confirmed by the perception of fetal movement.

Again, Mr. President, I shall read that sentence:

The upshot was that American women in 1800 were legally free to attempt to terminate a condition that might turn out to have been a pregnancy until the existence of that pregnancy was incontrovertibly confirmed by the perception of fetal movement.

An ability to suspend one's modern preconceptions and to accept the early nineteenth century on its own terms regarding the distinction between quick and unquick is absolutely crucial to an understanding of the evolution of abortion policy in the United States. However doubtful the notion appears to modern readers, the distinction was virtually universal in America during the early decades of the nineteenth century and accepted in good faith. Perhaps the strongest evidence of the tenacity and universality of the doctrine in the United States was the fact that American courts pointedly sustained the most lenient implications of the quickening doctrine even after the British themselves had abandoned them. In 1803 Parliament passed a law, the details of which will be discussed in the next chapter, that made abortion before quickening a criminal offense in England for the first time. But the common law in the United States, as legal scholars have pointed out, was becoming more flexible and more tolerant in the early decades of the nineteenth century, especially in sex-related areas, not more restrictive.

In 1812 the Massachusetts Supreme Court made clear the legal distance between the new British statute on abortion and American attitudes toward the practice. In October of that year the justices dismissed charges against a man named Isaiah Bangs not on the grounds that Bangs had not prepared and administered an abortifacient potion; he probably had. They freed Bangs because the indictment against him did not aver "that the woman was quick with child at the time." In Massachusetts, the court was asserting, an abortion early in pregnancy would remain beyond the scope of the law and not a crime. *Commonwealth v. Bangs* remained the ruling precedent in cases of abortion in the United States through the first half of the nineteenth century and, in most states, for some years beyond midcentury. Prosecutors took the precedent so much for granted that indictments for abortion prior to quickening were virtually never brought into American courts. Every time the issue arose prior to 1850, the same conclusion was sustained: the interruption of a suspected pregnancy prior to quickening was not a crime in itself.

Because women believed themselves to be carrying inert non-beings prior to quickening, a potential for life rather than life itself, and because the common law permitted them to attempt to rid themselves of suspected and unwanted pregnancies up to the point when the potential for life gave a sure sign that it was developing into something actually alive, some American women did practice abortion in the early decades of the nineteenth century. One piece of evidence for this conclusion was the ready access American women had to abortifacient information from 1800 onward. A chief source of such information was the home medical literature of the era.

Home medical manuals characteristically contained abortifacient information in two different sections. One listed in explicit detail a number of procedures that might release "obstructed menses" and the other identified a number of specific things to be avoided in a suspected pregnancy because they were thought to bring on abortion. Americans probably consulted William Buchan's "Domestic Medicine" more frequently than any other home medical guide during the first decades of the nineteenth century. Buchan suggested several courses of action designed to restore menstrual flow if a period was missed. These included bloodletting, bathing, iron and quinine concoctions, and if those failed, "a tea-spoonful of the tincture of black hellebore [a violent purgative] . . . twice a day in a cup of warm water." Four pages later he listed among "the common causes" of abortion "great evacuations [and] vomiting," exactly as would be produced by the treatment he urged for suppressed menses. Later in pregnancy a venturesome, or desperate, woman could try some of the other abortion inducers he ticked off: "violent exercise; raising great weights; reaching too high; jumping, or stepping from an eminence; strokes [strong blows] on the belly; [and] falls."

American women of the early nineteenth century who wanted more detailed information could consult books like Samuel K. Jennings' "The Married Lady's Companion." The Jennings volume, which billed itself in subtitle as a Poor Man's Friend, had its second printing in 1808 and was intended for women in rural areas, where there were no physicians, and for families unable to afford a doctor's fee. The book was remarkably straightforward about advising otherwise healthy girls afflicted with "what you call a common cold." "Taking the cold" was a common nineteenth-century euphemism for missing a menstrual period, and there can be no doubt that Jennings's italics sufficiently alerted his readers. Jennings favored bleeding from the foot, hot baths, and doses of calomel and aloes. Calomel was prescribed for almost anything in the early decades of the nineteenth century; aloes, another strong cathartic, remained a standard ingredient in abortifacient, preparations for the next hundred years.

Like most early abortion material, Buchan's and Jennings's advice harked back to almost primordial or instinctual methods of ending a pregnancy. Bloodletting, for example, was evidently thought to serve as a surrogate period; it was hoped that bleeding from any part of the body might have the same flushing effect upon the womb that menstrual bleeding was known to have. This primitive folk belief lingered long into the nineteenth century, well after bleeding was abandoned as medical therapy in other kinds of cases, and it was common for abortionists as late as the 1870s to pull a tooth as part of their routine. This procedure had been given learned sanction in 1808, when the first American edition of John Burns's classic "Observations on Abortion" appeared. Burns, a Glasgow medical professor whose volume remained a standard for half a century, was primarily concerned with spontaneous miscarriage rather than induced abortion, but twice in different contexts stated: "The pulling of a tooth . . . sometimes suddenly produces abortion." Aside from the pain and shock of an extraction without anesthetic, which probably could induce miscarriage in some women, the process must have been psychologically akin to pulling a plug for the patient. In later years it also offered the sophisticated abortionist a medical camouflage upon which he or she might blame possible postoperative complications. Similarly, bathing, though it may have had some abortive effect as a muscle relaxer and a source of in-

ternal infection, probably went back to primitive beliefs that the pregnancy could simply be washed away, physically expunged. Finally, Jennings's recommendations of calomel and aloes paralleled Buchan's reliance on black hellebore. These substances were ingested on the reasonably plausible theory that a sufficiently violent disruption of the lower digestive tract might cause the uterus to empty its contents also. This belief became the basis of a booming pharmaceutical business in abortifacient preparations, which will be discussed later in another context.

Joseph Brevitt's "The Female Medical Repository," which was published in Baltimore in 1810, made many of the same points that Buchan and Jennings made, but added some significant details. Brevitt liked hellebore and aloes, but he considered savin especially effective. Savin, as Brevitt's work reminded American women, had a tremendous advantage in the United States over hellebore or aloes because any woman could easily obtain some simply by extracting the oil from one of the common juniper bushes that grew wild all over North America. Both black hellebore and aloes, on the other hand, had to be imported and were, as a result, expensive. Reports of attempted abortion by ingesting savin, and of accidental death from savin overdoses, remained common throughout the nineteenth century. There can be little doubt that juniper extract was the single most commonly employed folk abortifacient in the United States during the early decades of the nineteenth century. Jalap, scammony, and bitter apple could also be tried in a pinch, according to "The Female Medical Repository." Brevitt asserted that the French preferred horehound, and he believed, wrongly, that madder root worked directly upon the muscles of the uterus itself. He cautioned against cantharides, or Spanish fly, because he considered it dangerous to the urinary tract, but the fact that he made such a warning suggests that at least some women were trying it for abortifacient purposes. "Electricity," he added, "generally and sometimes locally applied, has frequently been known to restore the discharge." This idea, too, was subsequently picked up by later nineteenth-century entrepreneurs, who developed a number of galvanic contraptions designed to aid women who were "obstructed."

After listing the usual "external causes" of abortions, which included riding, jumping, falls, and the like, Brevitt added an asterisk and a footnote that helped confirm further the fact that Americans from an early period were practicing abortion: "I feel constrained to note here, the horrid depravity of human weakness, in wretches lost to every sense of religion, morality, and that natural attachment from a mother to her offspring, and every tender tie in nature, seek the means to procure abortion: nor are there wanted, in the other sex, infernals wicked enough to aid their endeavors." Considering the detailed abortifacient information that Brevitt's own volume contained, that statement might appear singularly disingenuous. But it probably was not. In Brevitt's terms the word "abortion" implied the termination of a pregnancy after the pregnancy was certain, that is, after quickening. He was testifying that even illegal abortions were being performed in the United States in 1810, abortions after quickening, and that some physicians were willing to provide abortion services for women at virtually any stage of gestation. The procedures Brevitt counseled, even though they were designed to bring on what the twentieth century would call an abortion, were not considered criminally abortifacient either in Brevitt's terms or in the opinions of his readers, unless a woman persisted in them after she quickened.

The Virginian Thomas Ewell, a surgeon at Navy Hospital in Washington, D.C., was another who wrote forthrightly about unblocking obstructed menses in his "Letters to Ladies," published in 1817. Like many before him, he urged hot sitz baths, doses of aloes, and a number of straining exercises. Walking, horseback riding, and jumping, the more the better, all helped bring on abortion, he counseled, especially at the time menses would normally have occurred had the last period not been missed. Ewell, too, thought electricity through the thighs might end a suppression and that light bleeding could be beneficial. To those rather elemental staples, however, Ewell added some medically more advanced ideas including internal douching with strong brandy, water as hot as could be tolerated, vinegar, wine, or strong brine. Considering that the book appeared in 1817, this was reasonably sophisticated advice. Though Ewell could not have known anything about bacteria, each of the douches he recommended (assuming that the water was cooled from a boil) was fairly antiseptic. Moreover, he correctly speculated that the douches were not abortifacients themselves but provoked menstrual flow by causing cervical irritation, as in fact they might have done. If forced into the uterus itself after cervical dilation, which was something medical practitioners knew how to do, such solutions would almost certainly have been effective abortifacients and not prohibitively unsafe.

In addition to home medical guides and health manuals addressed to women, abortions and abortifacient information were also available in the United States from midwives and midwifery texts. Midwives had long enjoyed a dubious reputation as abortion procuresses both in England and in America. This led to difficult problems for male physicians like Valentine Seaman, who wanted to upgrade America's midwife corps. Seaman, who was physician to the lying-in (or maternity) ward of the New York City Almshouse and also associated with New York Hospital, taught midwifery. In his classes he had to instruct midwives on how to perform abortions in order that they might meet such crises as the death of a fetus in utero or an incomplete spontaneous abortion or a badly handled intentional abortion begun by someone else. But when he published his lectures in 1800, he was at considerable pains to point out that he cautioned new midwives against prescribing for obstructed menses on their own, lest they inadvertently become the dupes of women who already knew they were pregnant and wanted abortions. Again the caution suggests that some American women were approaching midwives for abortifacient services.

Herbal healers, the so-called Indian doctors, and various other irregular practitioners also helped spread abortifacient information in the United States during the early decades of the nineteenth century. Their surviving pamphlets, of which Peter Smith's 1813 brochure entitled "The Indian Doctor's Dispensary" is an example, contained abortifacient recipes that typically combined the better-known cathartics with native North American ingredients thought to have emmenagogic properties. For "obstructed menses" Smith recommended a concoction he called "Dr. Reeder's chalybeate." The key ingredients were myrrh and aloes, combined with liquor, sugar, vinegar, iron dust, ivy, and Virginia or seneca snakeroot. A sweet-and-sour cocktail like that may or may not have induced abortion, but must certainly have jolted the system of any woman who tried one.

The snakeroot to which Smith referred appears to have been another of the popular folk abortifacients used in the United States early in the nineteenth century. When Thomas Massie, a medical student at the University of Pennsylvania, wrote his 1803 doctoral dissertation on the properties of Polygala Senega, he quoted a letter from an eminent medical man in Harford County, Maryland, to the effect that seneca snakeroot was frequently used among the illiterate rural population of his area "intentionally to destroy the foetus in utero." Massie's thesis, subsequently selected for publication in 1806, put forward the likelihood that seneca acted directly upon the uterus itself, as he and Brevitt and others also believed madder did, and that regular physicians might administer it "with great advantage . . . to those labouring under obstructed catamenia." Thirty years later John B. Beck, by then the nation's leading authority on the medical jurisprudence of abortion, confirmed that seneca "has now been known and used in this country for a number of years, for the purpose of acting on the uterine organ, with a view of restoring menstrual secretion." Beck added along the same line that folk doctors also liked common North American black cohosh, sometimes called squawroot, for the same purpose. Native Indian women evidently employed an herbal brew of cohosh as an emmenagogue and, according to Beck, the same brew for the same purpose was "a good deal used by our American practitioners."

Finally, and most importantly, America's regular physicians, those who had formal medical training either in the United States or in Great Britain or had been apprenticed under a regular doctor, clearly possessed the physiological knowledge and the surgical techniques necessary to terminate a pregnancy by mechanical means. They knew that dilation of the cervix at virtually any stage of gestation would generally bring on uterine contractions that would in turn lead to the expulsion of the contents of the uterus. They knew that any irritation introduced into the uterus would have the same effect. They knew that rupturing the amniotic sac, especially in the middle and later months of pregnancy, would usually also induce contractions and expulsion, regardless of whether the fetus was viable. Indeed, they were taught in their lecture courses and in their textbooks various procedures much more complex than a simple abortion, such as in utero decapitation and fetal pulverization, processes they were instructed to employ in lieu of the even more horribly dangerous Caesarean section. Like the general public, they knew the drugs and herbs most commonly used as abortifacients and emmenagogues, and also like the general public, they believed such preparations to have been frequently effective.

Moreover, there is little reason to doubt that American physicians sometimes used their knowledge to terminate unwanted pregnancies for their patients. Walter Channing, who lectured on midwifery and the diseases of women and children at the Har-

vard Medical School during the 1820s, taught his students that pregnancy was impossible to diagnose with complete accuracy during the early months of gestation. Textbooks repeated the same dictum. Even John Beck, an opponent of induced abortions at any stage of gestation, had to assert unequivocally that pregnancy could not be legally determined beyond all doubt prior to quickening. As a medical student reminded himself in his lecture notebook very early in the nineteenth century: "When reliance can be put on the account of ye patient, there is no fear of confounding this disease [amenorrhea or blocked menstrual flow] with any o[ther]. [I]t is chiefly characterized by ye want of the menses at their usual period, but even when this is wanting, difficulties sometimes occur, [W]e cannot always determine the state of the patient, the Menses should be wanting during pregnancy, and those who want to conceal pregnancy often pretend that they are subject to a variety of symptons in consequence of the obstructed menses."

This placed great pressure on physicians to provide what amounted to abortion services early in pregnancy. An unmarried girl who feared herself pregnant, for example, could approach her family doctor and ask to be treated for menstrual blockage. If he hoped to retain the girl and her family as future patients, the physician would have little choice but to accept the girl's assessment of the situation, even if he suspected otherwise. He realized that every member of his profession would testify to the fact that he had no totally reliable means of distinguishing between an early pregnancy, on the one hand, and the amenorrhea that the girl claimed, on the other. Consequently, he treated for obstruction, which involved exactly the same procedures he would have used to induce an early abortion, and wittingly or unwittingly terminated the pregnancy. Regular physicians were also asked to bring to a safe conclusion abortions that irregulars or women themselves had initiated. "The Medical Recorder" of Philadelphia detailed exactly such a case in 1825 and the regular who was called upon, despite some moral qualms, considered it his duty to finish the job for the young woman involved. And through all of this the physician might bear in mind that he could never be held legally guilty of wrongdoing. No statutes existed anywhere in the United States on the subject of abortion, and the common law, as reaffirmed in America in the Bangs case, considered abortion actionable only after a pregnancy had quickened. No wonder then that Heber C. Kimball, recalling his courtship with a woman he married in 1822, claimed that she had been "taught . . . in our young days, when she got into the family way, to send for a doctor and get rid of the child"; a course that she followed.

In summary, then, the practice of aborting unwanted pregnancies was, if not common, almost certainly not rare in the United States during the first decades of the nineteenth century. A knowledge of various drugs, potions, and techniques was available from home medical guides, from health books for women, from midwives and irregular practitioners, and from trained physicians. Substantial evidence suggests that many American women sought abortions, tried the standard techniques of the day, and no doubt succeeded some proportion of the time in terminating unwanted pregnancies. Moreover, this practice was neither morally nor legally wrong in the eyes of the vast majority of Americans, provided it was accomplished before quickening.

The actual number of abortions in the United States prior to the advent of any statutes regulating its practice simply cannot be known. But an equally significant piece of information about those abortions can be gleaned from the historical record. It concerns the women who were having them. Virtually every observer through the middle of the 1830s believed that an overwhelming percentage of the American women who sought and succeeded in having abortions did so because they feared the social consequences of an illegitimate pregnancy, not because they wanted to limit their fertility per se. The doctor who uncovered the use of snakeroot as an abortifacient, for example, related that in all of the many instances he heard about "it was taken by women who had indulged in illegitimate love." Beck realized in the early 1820s that abortion was "sometimes . . . even employed by married women, to obviate," he thought, "a repetition of peculiarly severe labour-pains." But he believed as a general rule that "the practice of causing abortion was resorted to by unmarried females, who through imprudence or misfortune, have become pregnant, to avoid disgrace which would attach to them from having a living child." The important early court cases all involved single women trying to terminate illegitimate pregnancies. As late as 1834 it was axiomatic to a medical student at the University of Maryland, who wrote his dissertation on spontaneous abortion, that women who feigned dysmenorrhea in order to obtain abortions from physicians were women who had been involved in illicit intercourse. Cases reported in medical journals prior to 1840 confirmed the same perception.

In short, abortion was not thought to be a means of family limitation in the United States, at least on any significant scale, through the first third of the nineteenth century. This was hardly surprising in a largely rural and essentially preindustrial society, whose birthrates were exceeding any ever recorded in a European nation. One could, along with medical student Massie, be less than enthusiastic about such an "unnatural" practice as abortion, yet tolerate it as the "recourse . . . of the victim of passion . . . the child of nature" who was driven by "an unrelenting world" unable to forgive any "deviation from what they have termed virtue." Consequently, Americans in the early nineteenth century could and did look the other way when they encountered abortion. Nothing in their medical knowledge or in the rulings of their courts compelled them to do otherwise, and, as Massie indicated, there was considerable compassion for the women involved. It would be nearly midcentury before the perception of who was having abortions for what reasons would begin to shift in the United States, and the shift would prove to be one of the critical developments in the evolution of American abortion policy.

A final point remains to be made about abortion in the United States during the first decades of the nineteenth century. Most observers appeared to consider it relatively safe, at least by the medical standards of the day, rather than extremely dangerous. Burns, the acknowledged international expert, thought the use of violent purgatives as abortifacients very dangerous to the mother and largely ineffective, and this fairly accurate medical opinion would directly influence the earliest abortion statutes both in England and the United States. But Burns described extensively many of the complications that could occur in a spontaneous abortion and made even the worst of them sound manageable. A physically produced abortion handled by a competent physician was not a fearsome process as described by Burns. Samuel Jennings quoted Dr. Denman, one of the leading obstetrical writers of the day, to reassure his readers: "In abortions, dreadful and alarming as they are sometimes, it is great comfort to know that they are almost universally void of danger either from the hemorrhage, or on any other account." Again the context was spontaneous rather than induced abortion, but in a book with such explicit suggestions for relieving the common cold, women could easily conclude that the health risks involved in bringing on an abortion were relatively low, or at least not much worse than childbirth itself in 1808, when Jennings wrote his book. Valentine Seaman advised his midwifery classes that the dangers of abortion were proportional to the stage of gestation at which it occurred; the earlier it came on, the safer it would be. This too must have reassured women who decided to risk an abortion before quickening. According to the lecture notes of one of his best students, Walter Channing told his Harvard classes that abortion could be troublesome when produced by external blows, because severe internal hemorrhage would be likely, but that generally considered, "abortion [was] not so dangerous as commonly supposed."

The significance of these opinions lay less in whether or not they were accurate than in the fact that writers on abortion, including physicians saw no reason to stress the dangers attendant to the process. Far from it. They were skeptical about poisons and purgatives, but appear to have assessed physically induced abortions as medically acceptable risks by the standards of the day, especially if brought on during the period of pregnancy when both popular belief and the public courts condoned them anyhow. Here again was a significant early perception that would later change. That change, like the shift in the perception of who was having abortions for what purposes, would also have an impact on the evolution of American abortion policy.

Mr. BAUCUS. Mr. President, will the Senator yield for a question?

Mr. PACKWOOD. I am happy to yield for a question without losing my right to the floor.

Mr. BAUCUS. Mr. President, as the Senator from Oregon well knows, one of the very basic questions facing us here today, unlike the question that underlies this very basic issue, is the degree by which Congress, by statute, can overrule decisions of the U.S. Supreme Court.

I have before me some excerpts of testimony of various constitutional scholars to the Separation of Powers Subcommittee on this issue. I would like to read some excerpts from that hearing and ask the Senator from Oregon in his view whether he agrees with the views of these constitutional scholars.

I will begin first with Prof. Charles Alan Wright. He stated in a letter to

the Separation of Powers Subcommittee as follows:

. . . I find Roe unpersuasive. Nevertheless, Roe exists, it has been repeatedly reaffirmed and even extended, and I do not think Congress has authority by statute to overrule a Constitutional decision of the Supreme Court. Whatever the arguments might have been if the matter were one of first impression, we have long since accepted the notion that "it is emphatically the province and duty of the Judicial Department to say what the law is" (*Marbury* v. *Madison*), that the duty is now more specifically that of "this court" (*United States* v. *Nixon*), and that "the federal judiciary is supreme in the exposition of the law of the Constitution . . ." (*Cooper* v. *Aaron.*)

That is Prof. Charles Alan Wright in his testimony before our subcommittee.

To further state from Prof. Philip Kurland, he wrote to the subcommittee:

The question is not whether the Supreme Court decisions are sound or unsound. The question is what is the meaning of the word "person" in the due process clauses of the 5th and 14th Amendments. The Supreme Court has decided that a fetus is not a "person" within the meaning of those provisions. If that Constitutional determination is to be overruled, it can be done only by the Supreme Court or by Constitutional Amendment.

I quote further from former Solicitor Erwin Griswold, who wrote to our subcommittee on this very same point; that is, the degree to which Congress can, by statute, overturn a decision of the Supreme Court:

For the Congress to undertake to interfere with that decision, even under Section V of the 14th Amendment, would, in my view, be an inappropriate legislative interference with the judicial power, and thus a violation of the separation of powers, which is one of the two major premises of the United States Constitution—the other being the appropriate division of powers between the states and the federal government.

I further point out to the Senator from Oregon, as he ponders his answer to the basic question here, a statement by former Solicitor General Archibald Cox, who also told the subcommittee as follows:

Over the years, a few decisions have proved clearly wrong headed, and perhaps *Roe* v. *Wade* is such a case. I, myself, wrote critically of *Roe* v. *Wade* a little while after the decision came down.

But wrong headed decisions can be changed by time and debate or by Constitutional amendments. But the very function of the Constitution and Court is to put individual liberties beyond the reach of both Congressional majorities and popular clamor. Any principle which permits Congress, with the approval of the President, to nullify one Constitutional right protected by the Constitution, as interpreted by the Court—that principle would sanction the nullification of others, and that is why I say that the principle of the "human life statute" is exceedingly dangerous, and I can only call it radical.

Finally, former Solicitor General Robert Bork told the subcommittee on the same basic question:

The question to be answered in assessing the "human life statute" is whether it is proper to adopt unconstitutional countermeasures to redress unconstitutional action by the Court. I think it is not proper. The deformation of the Constitution is not properly cured by further deformation. Only if we are prepared to say that the Court has become intolerable in a fundamentally Democratic society and that there is no prospect whatever for getting it to behave properly, should we adopt a principle which contains within it the seeds of the destruction of the court's entire Constitutional role. I do not think we are at that stage.

Finally, let me quote from a statement signed by six former Attorneys General—Attorneys General Brownell, Katzenbach, Clark, Richardson, Saxbe, and Civiletti. It is very short and I ask the Senator to tell whether he agrees with the statement of these six former Attorneys General as well as other constitutional scholars.

Our views abut the correctness of the Supreme Court's 1973 abortion decision vary widely, but all of us are agreed that Congress has no Constitutional authority . . . to overturn that decision by enacting a statute redefining such terms as "person" or "human life," . . .

We thus regard (such provisions) as an attempt to exercise unconstitutional power and a dangerous circumvention of the avenues that the Constitution itself provides for reversing Supreme Court interpretations of the Constitution.

My question to the Senator from Oregon is the degree to which he agrees with the basic point of these distinguished Americans—that is, that it is improper to overturn Supreme Court decisions by statute.

Mr. HELMS. Mr. President, I call for regular order.

Mr. PACKWOOD. I agree totally with the——

Mr. HELMS. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon has the floor and he yielded for a question. Now the Senator from Oregon has the floor.

Mr. PACKWOOD. Mr. President, I appreciate very much the question of the Senator from Montana. I find the question very pertinent.

The consequences of a decision by the Supreme Court to uphold the Congress power to enact this amendment would be disastrous for our system of government as we now know it. If Congress can alter the Court's ruling on a constitutional term as basic as the interpretation of "person" under the 14th amendment, then there is virtually no constitutional protection that Congress could not dilute or eliminate by simple majority vote.

Additionally, if Congress can find today by statute that life begins at conception, then a future Congress can alter or reverse that result. This approach envisions a system of government where constitutional protections are more transitory or illusory than they are today. The basic terms of the Constitution are left to be determined by the shifting majorities in Congress.

It is for these basic reasons that most of the country's leading scholars and those who have served the Nation as the highest ranking legal officers have publicly announced their view that the human life statute is unconstitutional. It is highly unusual to find agreement among six former Attorneys General, three former Solicitors General, and the Nation's most distinghuished constitutional scholars on such a controversial issue.

Mr. President, again, I thank my distinguished colleague from Montana for asking that question. Now I would like to go into chapter two of the book "Abortion in America." That chapter is entitled, "The First Wave of Abortion Legislation 1821–1841."

The earliest laws that dealt specifically with the legal status of abortion in the United States were inserted into American criminal codebooks between 1821 and 1841. Ten states and one federal territory during that period enacted legislation that for the first time made certain kinds of abortions explicit statute offenses rather than leaving the common law to deal with them. The nature of that early legislation, the probable reasons for its appearance, the significance of the procedures by which most of those first statutes were passed, and the way that those earliest laws reflected the circumstances described in the preceding chapter are the chief burdens of this chapter.

At their May session in 1821 members of the general assembly of Connecticut passed a revised "Crimes and Punishments" law. Zephaniah Swift, Lemuel Whitman, and Thomas Day, the three legal scholars who drafted that omnibus act at the legislature's request, had placed between section 13, "intent to kill or rob," and section 15, "secret delivery of a bastard child," a section 14, part of which was without precedent in the United States:

"Every person who shall, wilfully and maliciously, administer to, or cause to be administered to, or taken by, any person or persons, any deadly poison, or other noxious and destructive substance, with an intention him, her, or them, thereby to murder, or thereby to cause or procure the miscarriage of any woman, then being quick with child, and shall be thereof duly convicted, shall suffer imprisonment, in newgate prison, during his natural life, or for such other term as the court having cognizance of the offence shall determine."

The part of section 14 that was new was the miscarriage clause, for this was the first time that an American legislature had addressed the question of abortion in statute form. Though the law was imperfectly drafted, it is worth analyzing in some detail not only because it was the first measure of its kind, but because many of its essential features would recur shortly in the other thirteen statutes that collectively made up the first stage in the evolution of American abortion policy during the period between 1821 and 1841.

First, the law was primarily concerned with attempted murder by poisoning. Indeed, it might best be characterized as a poison control measure. The revisers, however, were evidently upset not only about the administration of obvious poisons with

murderous intent, but also about the potential dangers of the violent purgatives and pernicious herbal extracts then being recommended in the United States as abortifacients. In their miscarriage clause the revisers followed the English-speaking world's leading authority on the subject, John Burns. In the American edition of his book on abortion, Burns had held: "It cannot be too generally known, that when these medicines [violent purges and the like] do produce abortion, the mother can seldom survive, their effects." If the best available evidence suggested that the use of hellebore, for example, which was known to be fatal in large doses, was as likely to end a woman's life as it was to end her pregnancy, then the public should be apprised of that fact and forced to modify its traditional practices for its own good. It must be stressed in this context that section 14 did not proscribe abortion per se; it declared illegal one particular method of attempting to induce an abortion because that method was considered prohibitively unsafe owing to the threat of death by poisoning. Abortions by mechanical or surgical methods were not affected by this law. Moreover, and this too is worth careful note, the law did not make the woman herself guilty of anything, but rather the "person" who caused the poison "to be administered." It is likely, in other words, that the abortion clause in section 14, the nation's first, was aimed primarily at apothecaries and physicians, who the state could presume should know better than to seek profit by selling preparations that were only marginally effective as abortifacients, but demonstrably dangerous as poisons.

Second, section 14 explicitly accepted the quickening doctrine, even though that doctrine weakened the measure as a poison control statute. A person could only be convicted under this law if the poison was administered to a woman "quick with child." Prior to quickening there continued to be no crime. Phrased differently, the revisers of 1821 chose to preserve for Connecticut women their long-standing common law right to attempt to rid themselves of a suspected pregnancy they did not want before the pregnancy confirmed itself, even though they risked poisoning themselves in the process. In this respect the law testified eloquently to how deeply committed Americans of the early nineteenth century were to the quickening doctrine, to what they considered to be the commonsensical distinction between a living fetus, on the one hand, which had taken on at least one of the manifestations of separate existence, motion, and an inanimate embryo, on the other hand, the very existence of which, paradoxically, could only be proved with complete certainty after it had been aborted.

Third, while no other American jurisdiction had passed any statute dealing specifically with abortion, there did exist one British precedent on the subject. Because the precedent was frequently mentioned in American courts, Connecticut's revisers were doubtless aware of it. Yet the ways in which the revision of 1821 failed to follow that precedent are as instructive as the ways in which they tried to copy it. The law in question was known as Lord Ellenborough's Act, after the chief justice of England who had been influential in its passage in 1803. That year Ellenborough, who was an extreme conservative and upset at the steady liberalization of British criminal law, evidently cast about for as many new capital felonies as he thought he could reasonably create and lumped them together, ten in all, into an omnibus crime bill. Parliamentary debates indicates that the two sections of greatest importance to British lawmakers in Ellenborough's package dealt with capital cases of assault and with a quaint Irish custom of burning one's own house to defraud the London insurance companies. But Ellenborough had also made attempted murder by poisoning a hanging offense and, as a sort of rider to that section, he made attempts to produce abortion by the use of poisons after quickening another new capital felony as well. Almost as if to justify capital punishment for the latter crime, he declared attempts to produce abortion by any method before quickening transportable offenses (convicted offenders would be deported to a penal colony), thereby making illegal in Great Britain in 1803 a practice that Americans would refuse to outlaw for half a century.

As a special committee later reported to the House of Commons, Ellenborough's abortion clauses were very badly drafted. The new offense of abortion prior to quickening included all types of abortions, those involving poisons as well as those involving instruments, while the capital offense of abortion after quickening was worded to include only the use of poisons. No reference was made to other methods. It appears that the Connecticut revisers shared Ellenborough's concern for poisoning, including abortion-related poisoning, but not his concern for abortion per se as a possible offense. They used the more restrictive of his two clauses, the one that referred only to abortion after quickening and only to abortion by the use of poisons, and pointedly refused to follow his precedent on outlawing attempted abortions before quickening. Moreover, the American statute was carefully drafted to retain the woman's own immunity from prosecution; the British law was much more ambiguous on that subject, and as a result women were tried and convicted in England under Ellenborough's Act for self-abortions. Put somewhat differently, America's first anti-abortion law, ironically enough, does not appear to have been greatly opposed to abortion itself. Explicit British precedent on the subject was deliberately modified to suit Connecticut's circumstances and to conform to a strong public consensus on the American side of the Atlantic.

In 1828 the so-called Lord Lansdowne's Act eliminated the inconsistencies in Ellenborough's statute, not by eliminating instrumental abortion before quickening as an offense but by making instrumental abortion after quickening a crime equal to the use of poisons after quickening. This confirmed what would continue to be the English govenment's official attitude toward abortion for over a century thereafter: abortion itself, not just its more dangerous aspects, would be proscribed. Two years later Connecticut's legislators likewise revised their state's criminal codes by enacting another massive omnibus bill. One of that law's 157 sections also made abortion by the use of instruments after quickening a crime equal to the use of poisons after quickening. The revisers of 1830 realized that they were making a change of substance rather than a technical adjustment. The penalty for the offense of attempting an abortion after quickening, now that it is more clearly distinguished from the threat of death by poisoning, was set at seven to ten years' imprisonment, rather than up to life as in the old statute. Though qualitatively different from the various degrees of homicide, and punished less severely than any of them, the attempt to terminate a pregnancy by any means after quickening would henceforth be a statute crime in Connecticut.

On the one hand, this 1830 law followed the Lansdowne precedent of outlawing all kinds of abortion after quickening. On the other, it again rejected the British precedent of punishing attempts to abort before quickening. The latter would remain legal regardless of what method the would-be abortionist decided to try. By 1830, in other words, the first state to move into the realms of abortion legislation in the United States had enshrined in its criminal code no more than a written version of the traditional common law doctrines on abortion that had been sustained by the Massachusetts Supreme Court in 1812. And in a sense, Connecticut's early laws might be viewed as pro-abortion laws rather than anti-abortion laws, since Connecticut's reaffirmation of the common law attitude toward abortion was taken in the face of British precedents that had abandoned that position in favor of a more restrictive one.

In the interval between Connecticut's first two abortion laws three other states—Missouri in 1825, Illinois in 1827, and New York in 1828—also passed laws that dealt specifically with abortion. Both the Missouri law and the Illinois law followed Connecticut's 1821 statute closely and, like that Connecticut law, they were as much poison control measures as anti-abortion measures. Unlike the Connecticut law, however, neither the Missouri law not the Illinois law made any explicit reference to the quickening doctrine; they appeared to make the administration of poisonous substances with the intent to induce abortion illegal at any stage of gestation. Yet in practice, indictments could not be brought under these laws before quickening because intent had to be proved and the only way that intent could be proved was to demonstrate that the person who administered the poison could have known beyond any doubt that the woman was pregnant. Thus, the omission of explicit reference to quickening in these two early laws probably reflected the fact that the quickening distinction was taken completely for granted rather than any effort to eliminate it. Neither state mentioned instrumental abortions, though Missouri moved to proscribe those as well in 1835. Illinios, on the other hand, did not add instrumental abortion to its code as a statute crime until 1867, when, as will become apparent, very different circumstances prevailed in the United States. The law passed in New York was more complex than those enacted in Missouri and Illinois. Because a good deal is known about the origins of New York's 1828 abortion legislation and because it was fairly widely copied by other states in later decades, it too is worth examining in some detail.

The New York criminal code that was drafted and passed in 1828, was published in 1829, and went into effect January 1, 1830, addressed abortion in three separate clauses. Two of them had the cumulative effect of banning abortion by any means after quickening. Under them an early abortion would remain legal, the death of "an unborn quick child" was second-degree manslaughter, and the "person" who performed the abortion was criminally liable, not the woman herself. Moreover, either the woman or the fetus had to die in order for the crime to exist. An unsuccessful abortion,

provided the woman was not injured in the process, was not punishable under either of these two clauses. Thus New York, like Connecticut, seemed to be writing the common law into its criminal code.

Section 21 of Title VI, Chapter I, Part IV, the third section of the new code to deal with abortion, appeared twenty-eight pages away from the two clauses just referred to. It read in full:

"Every person who shall willfully administer to any pregnant woman, any medicine, drug, substance or thing whatever, or shall use or employ any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, unless the same shall have been necessary to preserve the life of such woman, or shall have been advised by two physicians to be necessary for that purpose; shall, upon conviction, be punished by imprisonment in a county jail no more than one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment."

Section 21 was an important law in historical context. It was the first American statute to follow Ellenborough's proscriptive language, a precedent lawmakers in the United States had studiously avoided following for a quarter of a century. It was also the first abortion-related statute to make explicit what was known in legal terms as a "therapeutic exception." The conjunction of these two firsts was more than merely coincidental, and the available evidence about the probable origins of this 1828 enactment throws bright light on the kinds of pressures that led to the nation's earliest statutory abortion policies.

Fortunately for historians, the notes of the commission that revised New York's criminal code in 1828 have survived. Cyril C. Means, Jr., who brought the significance of those notes to the attention of legal scholars in 1968, argued persuasively that New York's lawmakers had been more concerned with protecting their state's women from dangerous medical and quasi-medical treatments than with outlawing or ending the practice of abortion itself. His strongest piece of evidence was the revisers' note to a section of this same title that the legislature subsequently struck from the bill before passing the new code. The unenacted section would have made guilty of a misdemeanor "every person who shall perform any surgical operation, by which human life shall be destroyed or endangered, such as the amputation of a limb, or of the breast, trepanning, cutting for the stone, or for *hernia*, unless it appear that the same was necessary for the preservation of life, or was advised, by at least two physicans." The revisers appended to this proposed section the following note of explanation:

"The rashness of many young practitioners in performing the most important surgical operations for the mere purpose of distinguishing themselves, has been a subject of much complaint, and we are advised by old and experienced surgeons, that the loss of life occasioned by the practice, is alarming. The above section furnishes the means of indemnity, by a consultation, or leaves the propriety of the operation to be determined by the testimony of competent men. This offence is not included among the malpractices in manslaughter, because, there may be cases in which the severest punishments ought not to be inflicted. By making it a misdemeanor, and leaving the punishment discretionary, a just medium seems to be preserved."

This "remarkable disquisition," as Means puts it, indicated that the revisers were concerned about operations generally, rather than abortions exclusively. In other words, major surgery itself was very dangerous, and the state should permit it to be gambled upon only when the patient would actually die without it. If all physicians were cautious, such a law would be unnecessary. But some evidently were not, and the revisers thought it best to force the most unscrupulously ambitious practitioners to gain the consent of at least two of their would-be competitors, presumably the "old and experienced" ones, before proceeding. Means argued that this same assumption also underlay section 21 of the code of 1828, which helps explain why the therapeutic exception was inserted there as well. Had the revisers known about any perfectly safe methods of abortion, according to Mean's reasoning, they would have permitted those methods to remain legal operations, at least prior to quickening.

Means, who was openly trying in 1968 to build a case upon which New York state courts might invalidate anti-abortion legislation on the grounds that twentieth-century medicine had rendered an abortion every bit as safe or safer than a full-term delivery, was less than convincing on several points. First, he hung a great deal of his interpretation upon the fact that the New York revisers were the first lawmakers anywhere in the English-speaking world to include a therapeutic exception in an abortion statute. This action ultimately demonstrated, for Means, the crucial connection that he posited between the revisers' underlying motives in section 21 and the argument they made on behalf of the unpassed surgical section. He does not make much of the fact, however, that therapeutic exceptions had been implicit in previous abortion laws, including Ellenborough's own, and hence it seems more difficult to argue that its inclusion in New York's law of 1828 fundamentally distinguished the rationale of that act from the rationale of any other. The sacrifice of an unborn child in order to save the life of the mother, even during the process of delivery, had been legally and medically acceptable both in England and in the United States at least since 1756, when a London medical convocation on the problem decided it was justifiable. Certainly this was the reason why Channing could lecture at Harvard on methods of in utero craniotomy and the like.

Second, the revisers did, after all, separate abortion from other forms of surgery. This not only set up the possibility that the abortion section would pass whether the more controversial surgical section passed or failed, which is of course what happened, but also implied that abortion as an operation was qualitatively different in degree of danger from attempts to repair a hernia, an amputation, or a mastectomy. It was logically necessary to Means's argument to allege that abortion at any stage in pregnancy in 1828 had to be, or at least could be made to seem, substantially more dangerous than childbirth. Means asserted that this was the case due to the twin threats of shock and infection, which could not have been seriously reduced prior to the successful use of anesthetics in the late 1840s and the introduction of antiseptic theory in this country in the late 1860s. Only at some point between 1867 and 1950, Means surmised, though he did not know when during that long period, could properly performed abortions have become no more dangerous to the mother than childbirth itself in the United States.

This argument is open to serious question. Childbirth was just as subject to shock and infection as abortion until the dates Means cites, and it is difficult to imagine that the deathrate from abortions in 1828 substantially exceeded the deathrate from childbirth, especially since contemporary writers did not stress the great dangers of an abortion induced by mechanical means. Quite the contrary; they were much more likely to bemoan the ease and impunity with which irregular practitioners, greedy physicians, and folk women themselves were able to induce abortion. It seems entirely logical, in fact, that the revisers of 1828 separated abortion from operations like hernia repair, amputation, and mastectomy because Americans would not have considered abortion an operation comparable to any of those either in medical difficulty or in inherent danger. The revisers might have reasoned, in other words, that abortion was minor surgery at worst and would not have been covered under their proposed section regulating major surgery. Hence, if the revisers wanted to restrict abortion, they would have to single it out by itself, which was what they did.

Notwithstanding these questions about some of Means's specific arguments, however, the basic insight that emerges from his discussion seems undeniably on the mark: the evolution of abortion policy in the United States was inextricably bound up with the history of medicine and medical practice in America, and would remain so through the rest of the nineteenth century. Other considerations would begin to enter in, but the fundamental outlines of abortion policy would continue to be hammered out primarily within the context of medical regulation, a subject which became an enormous headache for American state legislators. Even though they were ill-equipped to face the issue, state legislators found themselves deeply embroiled in the question of who should be allowed to do what to whom in the name of medicine. During the middle decades of the nineteenth century, legislators felt a special obligation to protect the public from an occupational group that was, at least collectively, reaching something of a nadir. By the late 1820s physicians, with a good deal of justification, were viewed by many Americans as menaces to their society. And it was in this context, as Means suggested, that the origins of America's abortion policies make the most sense; not in a context of metaphysical debates, demographic trends, or public opinions.

In order to understand what had happened to the practice of medicine in the United States by the late 1820s, a slight digression might be helpful. Physicians had enjoyed elite status in America through the seventeenth and eighteenth centuries. They were generally learned men from families of solid social standing and they were looked up to in the colonies of North America. But the established physicians of the colonial period as a group ultimately lacked a basis upon which to solidify their elite status, because they really could not do what they claimed they could do. They could not cope very well with the common human diseases of the day.

During the first four decades of the nineteenth century, a large number of people came forward to try to fill the gap. They were encouraged to compete in the medical field by the inherent weakness of the older practitioners, by the lack of anything blocking access to the field, such as licensing laws, and by a general democratization of the professions that took place during that period in American history. Most of these

newcomers lacked formal training altogether or were trained in medical systems at variance with previously accepted doctrines. As early as 1800, for example, two-thirds of the people who made their livings as physicians in the city of Philadelphia were neither members of the local College of Physicians nor graduates of any medical school of any kind. And this was in a major eastern city with a strong tradition of learned medicine established by the likes of Benjamin Rush and Benjamin Franklin. Moreover, the best-educated and most-established physicians in Philadelphia were but provincial practitioners by European standards. Out in the American countryside, where learned physicians had been largely absent from the time of settlement, countless numbers of self-taught lay healers and part-time folk doctors dispensed medicines of all kinds and performed simple surgery.

Even among physicians who held a medical degree, standards of competence varied enormously. Twentieth-century Americans are familiar with educationally rigorous medical schools that enforce almost impossibly difficult standards for admission and train some of society's brightest young men and women in the intricacies of modern medicine. But it would be a great mistake to project such an image backwards into the early nineteenth century. Prior to the Civil War most American medical schools were run as private businesses and competed for paying customers. Few applicants were denied admission and no professor wanted to drive away—by enforcing high standards—the people who literally paid his salary. Many medical schools were out and out degree mills, where tuition dollars virtually bought a medical diploma. No wonder, then, that empirical medicine, using the term objectively rather than pejoratively, remained so strong among the American people at least through the middle of the nineteenth century.

Among those most deeply troubled by the state of medical practice in America during the first half of the nineteenth century were those physicians dedicated to the principles of what later became scientific medicine. These doctors, known collectively as the "regulars," tended to be graduates of the country's better medical schools or to follow the lead of those who were. As a group they believed in the long-term efficacy of such principles as rational research and cooperative intercommunication. The regulars organized and maintained state and local medical societies, published learned journals, and tried to encourage high educational standards among the nation's medical schools. If the regulars realized that their own commitment to scientific education and rational research had not yet paid the kind of dividends that they were looking forward to for themselves and for their patients, they also recognized that most of the alternative approaches to medicine then competing with theirs for the patronage of the American people were patently absurd. Consequently, the regulars bitterly opposed what they regarded as quack theories, though in truth many of the irregulars advocated courses of treatment less detrimental to health than the regulars' own.

There was more at stake for regulars, however, than matters of principle and questions of theory, important as they were. The unrestricted entry of irregulars into the medical field, particularly between 1820 and 1850, also produced an intense competition for paying patients that hurt the regulars badly. As Edward C. Atwater made clear in a fine study of this phenomenon in a single small city, Rochester, New York, the problem was very real. Doctors' incomes fell sharply and regular physicians were being driven not only from high social status, but out of the profession itself.

In the face of such crises many regular physicians in the United States decided to try to defend both their medical theories and their material livelihoods in the best way they could: through the state legislatures. The regulars perceived that their education credentials, their persuasive powers, and their generally well-established social backgrounds would, in the long run, give them something of an advantage over their rivals in those public forums. Their ongoing and ultimately successful efforts to influence medical-related legislation of all kinds became crucial to the evolution of abortion policy at the state level because, unlike most of their irregular rivals and unlike a majority of the American people, regular physicians opposed abortion not only after quickening but before quickening as well.

The regulars' opposition to abortion was partly ideological, partly scientific, partly moral, and partly practical. Ideologically, one of the things that distinguished the regulars was their adherence to the Hippocratic Oath, and the Hippocratic Oath condemned abortion. In this respect the father of medicine had also held a distinctly minority view in his own society; both Plato and Aristotle, for example, condoned the practice. Yet Hippocrate's creed had become one of the touchstones of regular medicine in the United States by the early nineteenth century, and the oath was considered the basic platform upon which the regulars were attempting to upgrade the ethical standards of their profession in a host of different areas, not just in regard to abortion. Since opposition to abortion was in that creed, the regulars tried to stick by it. In one of the earliest cases of ethical self-regulation in the United States, the Oneida County (New York) Medical Society expelled an unwanted member in 1834 on the official pretext that he had performed an abortion.

Scientifically, regulars had realized for some time that conception inaugurated a more or less continuous process of development, which would produce a new human being if uninterrupted. Consequently, they attacked the quickening doctrine on the logical grounds that quickening was a step neither more nor less crucial in the process of gestation than any other. John Beck, for example, in his long-standard 1823 discussion of abortion from the standpoint of medical jurisprudence, put forward two different theories to explain the physiology of quickening in an effort to lessen its importance, though he admitted that the continued viability of that doctrine had a "direct tendency . . . to countenance . . . abortion, at least in the earlier stages of pregnancy." Before Beck, Burns, too, had denied that there was anything physiologically special about quickening, and had opposed any attempt to "prevent life from continuing, until it arrive at perfection" once conception had taken place.

From this scientific reasoning stemmed the regulars' moral opposition to abortion at any stage in gestation. If society considered it unjustifiable to terminate a pregnancy after the fetus had quickened, and if quickening was a relatively unimportant, almost incidental step in the overall gestation process, then it was just as wrong to terminate a pregnancy before quickening as after quickening. Regulars believed it immoral, in other words, to make a life or death decision on the basis of a distinction that they could demonstrate to have very little relation to life or death.

There was more to the physicians' moral opposition to abortion than scientific logic, however, for another dimension also emerged forcefully from their writings throughout the nineteenth century. The nation's regular doctors, probably more than any other identifiable group in American society during the nineteenth century, including the clergy, defended the value of human life per se as an absolute. Scholars interested in the medical mentality of the nineteenth century will have to explain the reasons for this ideological position. It may have been related to the physicians' role as social and intellectual modernizers in a world that still took largely for granted the assumption that a widespread and routine destruction of life was part of the human condition; it may have been related to the fact that physicians tended to be men who wished to find secular absolutes to replace spiritual ones; it may have been related to the physicians' psychological commitment as ministers and defenders of life against the forces seen and unseen trying to snuff it out; or it may have been related to factors that historians simply do not yet fully understood. But whatever the reasons, regular physicians felt very strongly indeed on the issue of protecting human life. And once they had decided that human life was present to some extent in a newly fertilized ovum, however limited that extent might be, they became the fierce opponents of any attack upon it.

Practically, the regular physicians saw in abortion a medical procedure that not only gave the competition an edge but also undermined the solidarity of their own regular ranks. If a regular doctor refused to perform an abortion, he knew the woman could go to one of several types of irregulars and probably receive one. And, as the regulars themselves pointed out, it was not so much the short-term loss of a fee for the abortion that upset them, but the prospects of a long-term loss of patients. As more and more irregulars began to advertise abortion services openly, especially after 1840, regular physicians grew more and more nervous about losing their practices to healers who would provide a service that more and more American women after 1840 began to want. Yet, if a regular gave in to the temptation to perform an occasional discreet abortion, and physicians testified repeatedly that this frequently happened among the regulars, he would be compromising his own commitment to an American medical practice that would conform to Hippocratic standards of behavior. The best way out of these dilemmas was to persuade state legislators to make abortion a criminal offense. Anti-abortion laws would weaken the appeal of the competition and take the pressure off the more marginal members of the regulars' own sect. For all of these reasons, regular physicians became interested in abortion policy from an early date and repeatedly dragged it into their prolonged struggle to control the practice of medicine in the United States. At times abortion policy became a focal point in that struggle, at times an incidentally affected byproduct, but the struggle itself was always there in the background.

Consider the situation in New York once again in this context. The regular physicians there, by controlling through the

speaker of the assembly all appointments to the standing committee on medical practice, had pushed through the legislature in 1827 the toughest medical regulation law the state had ever had, tougher than the so-called Anti-Quack Act of 1819. The 1827 law granted great power to the regular physicians, who were organized as the state medical society, by declaring the unauthorized practice of medicine a misdemeanor. There is every reason to believe that these regulars, who were still influential in Albany the following year, were the "old and experienced surgeons" to whom the revisers of 1828 said they listened when they drew up the medically related sections of the state code, including the specially set aside section proscribing abortion for the first time in the United States in terms approaching Ellenborough's. Moreover, not only does the proscription of abortion itself make sense in this context of a temporary ascendancy of the regulars in their long battle to control medical practice at the state level, but so also does the sudden appearance for the first time of a therapeutic exception that stipulated consultation with at least "two physicians" before performing an abortion for medical reasons. One of the cardinal points of the New York regulars' code of ethics was the principle of mandatory consultation in difficult cases; the regulars had given that principle a great deal of attention when they drafted their ethics. In 1828, by persuading the revisers to make explicit something that might well have been left implicit as before, they were able to introduce their cherished principle of consultation into the state code. They also, of course, placed themselves in the position of deciding when the law would be applied to its letter and when it would be bent on behalf of a patient.

Public reaction to the success of the regulars in Albany in 1827 and 1828 was as telling as the legislative results the regulars obtained. Irregulars organized protests and launched a counteroffensive of major proportions in favor of what might be termed laissez-faire medicine. The irregulars succeeded in 1830 in forcing the alteration of the 1827 medical practices act, faltered in the mid-1830s when the regulars regrouped their forces, but then successfully counterattacked again at the end of the decade. Whereas the regulars relied upon their influence in official channels, the irregulars relied upon the anti-elitist spirit of the 1830s and the generally permissive attitude of the American people as a whole regarding the right to decide one's own fate. By the early 1840s, between 30,000 and 40,000 people were said to have signed petitions opposed to the rigid regulation and regularization of medicine in New York. Under these circumstances, New York's statutory prohibition of abortion, which could have been interpreted to cover abortions before quickening as well as after quickening, lay buried in the code, unenforced. A precedent had been established for future abortion policies, but the practice of abortion itself was little affected by the legislation of 1828 in New York.

The decade of the 1830s, generally speaking, was one of wide-open medical practices throughout the nation, not just in New York. New York's foray into medical regulation was not widely imitated elsewhere, and those states that had passed medical practice acts similar to New York's 1827 law repealed them during the 1830's. Consequently, it is not surprising that the period was not one of vigorous anti-abortion activity in state legislatures. One of the exceptions was Ohio. In 1834 legislators there made attempted abortion a misdemeanor without specifying any stage of gestation, and they made the death of either the mother or the fetus after quickening a felony. The law that contained those provisions also had four other sections: one of them made it an offense for a physician to prescribe any medicine while drunk; another made it a misdemeanor to sell secret remedies that endangered life; a third spelled out how these new offenses would be tried and awarded any fines collected to the common schools of the county where the offense took place and the last stated that the law would go into effect in June 1834. That statute not only revealed the general attitude of legislators toward physicians during the 1830s, but also demonstrated once again that the nation's early abortion laws were enacted by policymakers trying to control medical practices in the name of public safety.

Indiana added an anti-abortion statute to its state code in 1835, and Missouri overhauled its 1825 anti-poisoning law the same year. The Indiana law was an omnibus response to three resolutions passed by the state's house of representatives pointing out confusions and omissions in the old code. The abortion section they added was similar to Ohio's enactment the previous year, but Indiana created no new felony in cases of death after quickening. Missouri made the use of instruments to induce an abortion after quickening a crime equal to the use of poisonous substances after quickening, and added a section that made abortion before quickening a misdemeanor, at least on paper. In 1837 the first session of the Arkansas legislature included in that state's new criminal code a section that made abortion after quickening a manslaughter offense, but said nothing about abortion before quickening. In 1839 the first session of the Iowa territorial legislature included a poison control provision in its new code similar to those passed in Connecticut, Missouri, and Illinois during the 1820s, but did not refer to the subject of abortion anywhere else in the code. In that same year revisers in the state of Mississippi made abortion after quickening second-degree manslaughter but, like legislators in Arkansas, refrained from mentioning anything about the practice before quickening. Alabama enacted a major code revision during the 1840-41 session of its legislature that made the abortion of "any pregnant woman" a statute crime for the first time in that state, but pregnant meant quickened.

The last law enacted in the nation's first wave of abortion legislation was also the strongest, partly because American perceptions of abortion were beginning to change in ways that will be discussed in the next chapter. A code revision in Maine in 1840 made attempted abortion of any woman "pregnant with child" an offense, "whether such child be quick or not" and regardless of what method was used. The two revisers, Philip Eastman and Ebenezer Everett, had added the latter clause consciously in an effort to correct what they regarded as one of the "supposed deficiencies" of the state's existing law. They were aware that the ruling precedent on abortion cases in their state was the 1812 Massachusetts Supreme Court decision sustaining the old common law, for they cited that decision. But they wanted the doctrine changed. The person who performed the attempt was liable to up to a year in jail or up to $1000 fine. If an unborn child was actually destroyed, again regardless of whether it had been quick or unquick, a separate section increased the prison term to a possible five years, though the fine remained the same. A therapeutic exception, if the mother's life was threatened, was included in the law.

Notwithstanding its apparently unambiguous language and hard line toward abortion, the Eastman-Everett Act failed to close several of the loopholes characteristic of this first wave of anti-abortion statutes generally. The largest loophole in these early laws was the necessity to prove intent, which was simply impossible to do, given the tolerant attitude of American courts toward abortion when an irregular physician treated an unquickened woman for something he claimed he thought was not pregnancy. The subsequent fate of Maine's 1840 anti-abortion statute illustrated this difficulty perfectly. In 1853 that law came before the Maine Supreme Court in what appeared to be a cut-and-dried case. But Justice John S. Tenney, even though he recognized that Eastman and Everett had "essentially changed the common law" by trying to eliminate the quickening doctrine, freed an abortionist, who gave his name as Smith, on the grounds that the state prosecutors could not prove that Smith intended that the operation he performed would produce abortion, as distinguished from some other intent. Considering that a woman had died in this case after Smith inserted a wire into her uterine cavity, the loophole of intent, as American courts interpreted it, was very large indeed.

In further assessing the first wave of abortion legislation in the United States, it is worth noting that not a single one of these early abortion provisions was passed by itself. They were all contained in large revisions of the criminal codes in their jurisdictions or in omnibus "crimes and punishments" bills. This is significant because it indicates that there was no substantial popular outcry for anti-abortion activity; or, conversely, no evidence of public disapproval of the nation's traditional common law attitudes. No legislator took a political stand on abortion; no legislator cast a recorded vote for or against abortion as a question by itself. The popular press neither called for nor remarked upon the passage of the acts; the religious press was equally detached. This would later change, but the criminal status of abortion originated as a doctors' and lawyers' issue, not as a popular issue in any sense. The kind of legal scholars to whom legislators delegated the job of code revision would have been aware of the question of abortion because they kept track of legal developments in England and the United States. Physicians, or, more precisely, the regular physicians to whom those legal scholars would look for guidance in drafting their codes, had reasons of their own for wanting abortion proscribed, some of which have been explored. But as far as the vast majority of the population was concerned, the country's first laws on abortion remained deeply buried in the ponderous prose of criminal codes and were evidently little noticed and rarely enforced by anybody.

The United States remained in 1841, notwithstanding an initial wave of abortion legislation, a nation still committed to the basic tenets of the common law tradition. Sixteen of the twenty-six states in the Union in 1840 had passed no abortion laws at all, and the common law as interpreted by the Massachusetts Supreme Court in 1812 remained in effect in those states.

(Mr. WALLOP assumed the chair.)

Mr. PACKWOOD. Mr. President, let me read that sentence again:

16 of the 26 States in the Union in 1840 had passed no abortion laws at all, and the common law as interpreted by the Massachusetts Supreme Court in 1812 remained in effect in those States.

Of the ten states that had decided to address abortion in statute form, five were explicit in making it a crime only after quickening. The remaining five, however, the only ones that might be said to have moved to a more anti-abortion position than the nation opened the nineteenth century with, had passed statutes that were essentially unenforced and unenforceable insofar as they addressed abortion prior to quickening. In all cases the laws contained either the need to prove pregnancy or the need to prove intent, neither of which could be determined beyond doubt without quickening.

The first wave of abortion legislation in American history emerged from the struggles of both legislators and physicians to control medical practice rather than from public pressures to deal with abortion per se. Every one of the laws passed between 1821 and 1841 punished only the "person" who administered the abortifacient or performed the operation; none punished the woman herself in any way. The laws were aimed, in other words, at regulating the activities of apothecaries and physicians, not at dissuading women from seeking abortions. Most of these early laws, in fact, might be labeled malpractice indictments in advance. If anything went wrong in an abortion, and the woman was harmed, the "person" taking her money was being reminded in advance that he or she would be charged with a crime if the woman had quickened.

All of this probably reflected the continued perception of abortion in the United States as a fundamentally marginal practice usually resorted to by women who deserved pity and protection rather than criminal liability. While the accuracy of that perception can never be checked, the available evidence on abortion during the 1830s continued to confirm it. John Beck still believed in 1835 that most abortees were young women in trouble. Professor Hugh Hodge of the University of Pennsylvania asserted in 1839 that the intent of most abortions was "to destroy the fruit of illicit pleasure, under the vain hope of preserving [the abortee's or the paramour's] reputation by this unnatural and guilty sacrifice." The court cases that were recorded by state officials or written up in medical journals prior to 1840 generally involved unmarried young women.

The best data for the 1830s were amassed by a Mendon, Massachusetts, physician, Dr. John G. Metcalf, a Harvard-trained regular with a deep devotion to the value of accurate aggregate statistics. In 1843 he published the detailed records he had kept on 300 obstetrical cases that he was involved in prior to 1839. Five of them eventually ended in abortion, and two of those had been illegitimate pregnancies. Metcalf knew also that one of the women who aborted "had drunk freely of tansy tea [another of the substances popularly thought to have emmenagogic powers] for some days before the occurrence of labour" and that "her paramour, as she averred, had also offered to procure some 'pothecary medicine' to expedite the process, if she would take it, but she declined." Summarizing his experiences during the 1830s, Metcalf also commented that "physicians [were] sometimes applied to for the procurement of abortions," but hoped that "such solicitations" would be resisted unless "the condition of the mother should justify [medical] interference."

Even as Metcalf published his statistics, however, the American perception of who was having how many abortions for what purpose was shifting dramatically. That shift, along with a professional resurgence of the regular physicians following their eclipse and disillusionment during the 1830s, would have a profound impact upon the next stage in the evolution of abortion policy in the United States.

Chapter Three. The Great Upsurge of Abortion, 1840-1880

In the early 1840s three key changes began to take place in the patterns of abortion in the United States. These changes profoundly affected the evolution of abortion policy for the next forty years. First, abortion came out into public view; by the mid-1840s the fact that Americans practiced abortion was an obvious social reality, constantly visible to the population as a whole. Second, the overall incidence of abortion, according to contemporary observers, began to rise sharply in the 1840s and remained at high levels through the 1870s; abortion was no longer a marginal practice whose incidence probably approximated that of illegitimacy, but rather a widespread social phenomenon during the period. Third, the types of women having recourse to abortion seemed to change; the dramatic surge of abortion in the United States after 1840 was attributed not to an increase in illegitimacy or a decline in marital fidelity, but rather to the increasing use of abortion by white, married, Protestant, native-born women of the middle and upper classes who either wished to delay their childbearing or already had all the children they wanted. This chapter will examine the evidence for the first two of these crucial changes; the following chapter will explore the third.

The increased public visibility of abortion may be attributed largely to a process common enough in American history: commercialization. Beginning in the early 1840s abortion became, for all intents and purposes, a business, a service openly traded in the free market. Several factors were involved in the commercialization of abortion, but the continued competition for clients among members of the medical profession stood out. Because that competition was so intense, many marginal practioners began in the early 1840s to try to attract patients by advertising in the popular press their willingness to treat the private ailments of women in terms that everybody recognized as signifying their willingness to provide abortion services. Abortion-related advertising by physicians, which was not prohibited during this period, quickly became a common practice in the United States and was encouraged by members of the also fiercely competitive press corps, hungry for advertising revenue. Abortion-related advertisements appeared in both urban dailies and rural weeklies, in specialty publications, in popular magazines, in broadsides, on private cards, and even in religious journals. To document fully the pervasiveness of those open and obvious advertisements would probably require the citation of a substantial portion of the mass audience publications circulated in the United States around midcentury.

During the 1840s Americans also learned for the first time not only that many practitioners would provide abortion services, but that some practitioners had made the abortion business their chief livelihood. Indeed, abortion became one of the first specialties in American medical history. Even its opponents considered it "a regularly-established moneymaking trade" throughout the United States by 1860. Preeminent among the new abortion specialists was Madame Restell of New York City. Restell, an English immigrant whose real name was Ann Lohman, had begun performing abortions on a commercial scale late in the 1830s, but did not gain public attention until the early 1840s. In 1841 her first arrest placed both her name and her occupation before the public. Although at least one irate citizen made unveiled public suggestions about "a recourse to Lynch law," and although Restell's prosecutor warned that "lust, licentiousness, seduction and abortion would be the inevitable occurrences of every day" if her activities were not stopped quickly and completely, she was convicted only of two minor infractions of the law. The publicity she gained more than offset any temporary inconvenience, and by the middle of the 1840s Restell had branch agencies in Boston and Philadelphia. Salesmen were on the road peddling her abortifacient pills and, if the pills failed to work, her salesmen were authorized to refer patients to the main clinic in New York. Restell's enterprise would remain lucrative and successful into the late 1870s, when Madame Restell herself was destined to be one of the most celebrated victims of America's sharp shift on abortion policy.

It is important to note that Restell was no isolated aberration, but only the most flamboyant and the most publicized of the abortionists who began to appear during the 1840s. In the week beginning January 4, 1845, to cite but a single example, the Boston Daily Times contained the advertisements of a Dr. Carswell: "particular attention given to all Female complaints, such as Suppressions. . . . Dr. Carswell's method of treating these diseases, is such as to remove the difficulty in a few days. . . . Strict secrecy observed, and no pay taken unless a cure is performed"; a Dr. Louis Kurtz of Leipsic, who would treat "private diseases" in the same manner and had the additional selling point of speaking English, German, and French; a Dr. Dow, whose advertisement was similar to Carswell's, but added: "N.B. Good accommodations for ladies"; and for Madame Restell's Boston branch. "Sleeping Lucy," a Vermont clairvoyant, had opened a small business in the abortion trade in 1842; her expanded enterprise would remain vigorous through the 1870s. In its first major statement on abortion in the United States, the prestigious Boston Medical and Surgical Journal noted with alarm in 1844 that abortionists had come out into the open and were thriving. "The law has not reached them," the Journal rightly observed, "and the trade of infanticide [i.e. abortion] is unquestionably considered, by these thrifty dealers in blood, a profitable undertaking."

The popular press began to make abortion more visible to the American people during the 1840s not only in its advertisements but also in its coverage of a number of sensational trials alleged to involve botched abortions and professional abortionists. In Massachusetts, New York, New Jersey, and Iowa such cases evoked direct legislative responses, which will be examined in a subsequent chapter, but in the present context the very fact of public coverage indicated an increased awareness of abortion in the United States. Prior to 1840 virtually noth-

ing had been mentioned about abortion in the popular press; during the period when the first laws concerning abortion were being passed in state legislatures, the practice had not been a public issue. By the early 1840s, however, the press had become interested in the phenomenon. When Madame Restell was arrested for a second time in 1845, the New York City dailies and the new National Police Gazette covered the story closely and expressed concern about the lack of restriction on abortion in the United States. Freed once again, Madame Restell herself took to the columns of the New York Tribune in August of 1847 to counter what she regarded as unjustified slurs upon her and her line of work.

By 1850, then, commercialization had brought abortion out into public view in the United States, and the visibility it gained would affect the evolution of abortion policy in American state legislatures. At the same time a second key change was taking place: American women began to practice abortion more frequently after 1840 than they had earlier in the century. As a reasonable guess, abortion rates in the United States may have risen from an order of magnitude approximating one abortion for every twenty-five or thirty live births during the first three decades of the nineteenth century to an order of magnitude possibly as high as one abortion for every five or six live births by the 1850s and 1860s. Clearly, a change like that was also likely to have some effect upon the evolution of abortion laws.

(Ann Lohman, calling herself Madame Restell, helped commercialize abortion in the United States during the 1840s by the use of modern business techniques, including the use of traveling salesmen and the opening of branch offices. Essential to her thirty-five years of lucrative success was her use of advertising, early examples of which are reproduced here. From New York Sun, Mar. 3, 1846, and Boston Daily Times, Jan. 2, 1845.)

One indication that abortion rates probably jumped in the United States during the 1840s and remained high for some thirty years thereafter was the increased visibility of the practice. It is not unreasonable to assume that abortion became more visible at least in part because it was becoming more frequent. And as it became more visible, more and more women would be reminded that it existed as a possible course of action to be considered. The advertisement of abortion services remained vigorous from the early 1840s, when it first appeared, through the late 1870s, when anti-advertising and anti-obscenity laws drove it from the market place. Madame Restell's empire alone was reported in 1871 to be spending approximately $60,000 per year on advertising. Economists argue that advertising both responds to a perceived market and helps to expand that market. Hence, abortifacient advertising was presumably aimed throughout the period from 1840 through 1880 at a clientele large enough to justify its expense, it presumably helped to maintain the size of that clientele, and it may actually have been a factor in expanding the clientele in certain areas.

A second piece of evidence for high abortion rates for the period was the existence during that time of a flourishing business in abortifacient medicines. The Boston Medical and Surgical Journal asserted that there were at least six practitioners openly retailing abortifacient preparations in Boston by the summer of 1844, and before midcentury the abortifacient drug business would become a major and apparently very profitable enterprise. Moreover, and this point is important in the present context, the effectiveness of nineteenth-century abortifacient preparations is not really an issue. It is probable that these preparations helped to trigger a relatively small number of actual abortions. But the booming business in abortifacients indicated that a significant number of American women were trying to have abortions. After all, they did not know that the drugs were incapable of doing what their advertisers claimed they could do. And it is likely that many of the women who failed to get results with medicines would turn next to surgical methods of terminating their pregnancies.

During the week of January 4, 1845, the Boston Daily Times advertised Madame Restell's Female Pills; Madame Drunette's Lunar Pills; Dr. Peter's French Renovating Pills, which were sold as "'a blessing to mothers' . . . and although very mild and prompt in their operations, pregnant females should not use them, as they invariably produce a miscarriage"; Dr. Monroe's French Periodical Pills, also "sure to produce a miscarriage"; and Dr. Melveau's Portuguese Female Pills, likewise "certain to produce miscarriage." These ads, to repeat, were from a single paper for a single week in 1845. The "meaning and intent" of advertisements like that, it was widely acknowledged, were well known to "every school-girl" in America, and the fact that abortionists frequently advertised in the "personal" columns as astrologers and clairvoyants was also clearly understood by nineteenth-century newspaper readers.

A physician who had grown up in France and studied medicine there before emigrating to New England confirmed, with a good deal of shock, that abortifacient ads in "the press of the United States . . . [were] intelligible not only to fathers and mothers, but also to boys and girls!" The "licentiousness" of the newspapers appalled this Frenchman, who blamed the press for creating an impression in young girls' minds that abortion was a common, acceptable practice. He believed that "a large proportion of the increase of abortion" could "be traced to the dissemination of immoral and criminal advertisements in daily journals."

The abortifacient drug industry that emerged as a large-scale business in the 1840s continued to boom through the 1870s, and was not completely dead even in the early twentieth century. Nevertheless, the industry is difficult to deal with historically. No business records from the small abortifacient manufacturing firms have survived, and none of the in-house narrative histories of major drug companies mentions abortifacient preparations. The best information about the commercial abortifacient preparations that became so common on the American market after 1840 comes from research conducted by a remarkable physician-pharmacologist named Ely Van de Warker in Syracuse, New York, in the late 1860s and the early 1870s.

In an effort to discover what was in the commercial abortifacients that his female patients used so extensively, Van de Warker purchased samples of eleven of the leading brands available in his local area and did two things. First, he took a dose of each according to the directions on the wrappers and described the symptoms. Second, he made what chemical analyses he could of each of them, given the state of chemical analysis generally at that time and the limitations of his own laboratory facilities. Two of the eleven seemed "perfectly inert." Three others were reasonably mild laxatives and, in Van de Warker's opinion, "would not cause an abortion unless used by women very liable to external and mental influences." Such purgatives might, in other words, have considerable powers of suggestion, but were chemically harmless and not really abortifacients. The remaining six, however, could be dangerous drugs in the hands of desperate women willing to try large doses rather than the recommended amounts. The active ingredient in one seemed to be ergot, in another a mixture of ergot with oil of tansy and oil of savin. Aloes appeared to be the chief ingredient of the last four. Van de Warker also mentioned that a twelfth popular brand of abortifacient that he knew about probably depended upon black hellebore.

The volume of the trade in alleged abortifacients during the period from 1840 through 1880, while obviously impossible to gauge with accuracy, was estimated to be very large. Historians of pharmacy have pointed out that this period was one of rapid expansion in the drug industry and that the leading manufacturing firms moved into the field of specialized medicines during this period for the first time on a broad scale. The ingredients identified by Van de Warker in 1871 had been available in North America since the outset of the nineteenth century and continued to be imported or produced here in large amounts. Van de Warker thought the distribution of abortifacient and emmenagogic preparations "enormous" in the United States and estimated their sales to be in excess of a million dollars. He guessed the supply of female pills in the Syracuse-Troy area, which by 1870 had a population of slightly under 100,000 people, to be 63 gross.

The East River Medical Association of New York obtained an affidavit from the Commissioner of Internal Revenue in 1871 declaring that a single manufacturer had produced so many packages of abortifacient pills "during the last twelve months" that 30,841 federal revenue stamps had been required of him. William R. Merwin of Middle Granville, New York, ran a mail-order drug business from his home. When he was arrested in 1973, authorities confiscated 130 dozen boxes of abortifacient pills and an unspecified number of abortifacient instruments for the do-it-yourself trade. John Kern of Chicago, arrested a year later, had 500 boxes of abortifacient pills. A Detroit physician noted in 1874 that a single "humbug" in his city sold over 500 pounds of female pills each year. The profit margin in the abortifacient drug business, incidentally, was handsome. Alexander Ruden, arrested in 1878, wholesaled pills prepared in New York City by Orlando Bradford for $7.50 per bottle of 600. The same pills retailed for 50 cents a pill or $10 per box of twenty. The *American Druggists' Circular and Chemical Gazette*, the standard trade paper for pharmacists and apothecaries, notified local retailers as early as 1859 that they could purchase sugar-coated ergot pills produced in France at attractive bulk rates for resale in the United States. The profits were sufficient to lure Parke, Davis and Company into the business by the early 1870s.

In addition to the brisk trade in commercial abortifacients, what was probably an even larger business in abortifacient drugs was being conducted over-the-counter between women and local apothecaries. The

story of cottonroot is instructive in this context. Beginning in 1840 several Southern physicians drew attention to the fact that slave women used cottonroot as an abortifacient, and they considered it both mild and effective. Although regular physicians never prescribed cottonroot for any purpose in normal practice, druggists around the country were soon beginning to stock it. By the late 1850s, according to the *Boston Medical and Surgical Journal*, cottonroot had "become a very considerable article of sale" in New England pharmacies. In 1871 "a druggist in extensive trade" informed Van de Warker "that the sales of ext[ract of] cotton-wood had quadrupled in the last five years" and that it was "purchased very extensively by small miscellaneous country merchants, who always have the extract among their stock of drugs." Cottonroot remained available to American women in pharmacies and retained its "popular reputation as an abortive agent" into the early 1880s.

Cottonroot, however, was only one of the drugs involved in the informal trade between women and apothecaries. "Having been part owner of a drug store, in a populous city," wrote Ely Van de Warker, "I speak from personal knowledge."

(The following proceedings occurred during the remarks of Mr. PACKWOOD:)

Mr. JOHNSTON. Mr. President, will the Senator yield for the purpose of speaking on another matter and without his losing his right to the floor?

Mr. PACKWOOD. Without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE GYMNASIUM IN THE HART OFFICE BUILDING

Mr. JOHNSTON. Mr. President, tomorrow at 2 o'clock, as I understand it, Mr. BAKER, I, Mr. ROBERT C. BYRD, and Mr. STAFFORD, who is chairman of the Senate Office Building Commission, will sponsor, and the Senate will vote on, an amendment which will kill the Senate gymnasium in the Hart Building.

Mr. President, it is with some amusement, some sadness, some resignation that I could sponsor and recommend this amendment to the Members of the Senate—amusement because this is a matter that has been jockeying about in the Senate now for at least 3 or 4 years.

I was asked by the majority leader at that time, Senator ROBERT C. BYRD, to chair the Senate Office Building Commission at a time when it was a structure half complete, steel rising up in the air without the funds to complete it.

Senator ROBERT C. BYRD asked, and I resisted because everyone knows that something like chairing a Senate Office Building Commission is a political liability, but he asked and I agreed, the idea being that the decisions of prior years, in this case decisions that were made in the late sixties and early seventies with respect to the Senate Office Building Commission should be finally completed, that it was unacceptable to have a structure half complete not completed; that all of the debates about whether or not the Senate Office Building was needed had been concluded because the commitment had been made.

I happen to believe that there is a need for additional space. Whether or not the Hart Office Building perfectly meets that need, whether or not the Hart Office Building exceeds the need, whether or not there are particular rooms in that building which are more commodious than they need to be, all of those questions, Mr. President, were resolved some time ago when the Senate voted the Senate Office Building in the late sixties and early seventies, voted to have the Senate Office Building completed.

My job, when I was appointed chairman, was to see that this matter should be completed. Consequently, we worked out a plan which would put a limit on the amount to be spent on the Senate Office Building which was, as I recall, $137 million.

Putting that ceiling on we also had some deductions from the scope of the work to be done. We deducted the restaurant, for example, on the top which all of us thought to be beyond the needs of the Senate.

We deducted a whole list of things, almost 20 in length, which we regarded as very good to complete, but unnecessary to complete. Consequently, among the $137 million we had a whole list of deductions in order of priority. At the same time, Mr. President, we stated publicly, and we stated it was our hope, that if money could be saved in the building of the Hart Senate Office Building such savings would be applied to the completion of those items in order of priority. Some of those things were of very high priority. One dealt with a fire control system which most fair-minded people—I would say almost all fair-minded people—would say to be absolutely essential for the completion of the Hart Senate Office Building.

Another was the computerized control system for the air-conditioning and heating which, in turn, over a very short period of time would save more money than it would cost, and a whole list of other things which I shall not here describe.

Nevertheless, Mr. President, the Architect of the Capitol and the contractor proceeded to build the Senate Office Building and to make a great deal of savings, sufficient to cover that list of priorities and, consequently, the Senate Office Building Commission authorized the Architect of the Capitol to use the savings within the cap of $137 million to complete these various priorities.

Mr. President, we all know what has happened in the meantime. We have been told that the Senate is appropriating money for a third Senate gymnasium; that the same is, as I say, a third Senate gymnasium. I would like to respond, Mr. President, to two points that were stated in the editorial in the Washington Post because I think it is very important for my colleagues who have been roundly excoriated for voting for a third Senate gymnasium. Two points:

First of all, Mr. President, the vote was not for a third Senate gymnasium. The vote was for upholding the decision of the Chair that you should not have legislation on an appropriation bill. I know the idea is that Senators use the rules for themselves when it is convenient, and otherwise ignore the rules.

Mr. President, that is not true. If you allowed legislation on an appropriation bill, if the Senate would routinely overrule the ruling of the Chair and allow legislation on an appropriation bill, then anything from school prayer to school busing—which I support—to abortion, to whatever bill there is would be put on a appropriation bill.

Why is it important that it not be put on an appropriation bill, Mr. President? For the simple reason that an appropriation bill must pass. The activities of Government would come to a stop if you put general legislation on appropriation bills.

To be sure, we have put abortion of a sort, and other matters, on appropriation bills. But the phrasing of those amendments has always been something like this: That no funds authorized in this appropriation may be used for a specific purpose.

The difference between that kind of legislation on an appropriation bill, if you will, and this kind is that that regards only the use of the funds appropriated in that particular appropriation bill. Indeed, if we were to ignore and routinely reverse the ruling of the Chair in legislation on an appropriation bill, then each year we would have a whole series of bills attached to appropriation bills.

If my friends in the press would care to watch, you are going to see that very phenomenon take place with respect to the continuing appropriation. There will be every species of legislation attached to bills which I think are very good and some of which I intend to support. But you will find if you take a bill that has to pass and you allow any bill to be attached to it, then every bill will be attached to it and sooner or later the Senate will rise up and say "Enough." And that is exactly what is going to happen on this particular bill.

I hope this bill relating to the Senate gymnasium will survive. If it does not, the Senate Office Building Commission, in the meantime, will rule on it.

Nevertheless, Mr. President, I think it was a great miscarriage of justice to

have my colleagues criticized in the Washington Post as having voted to appropriate money for a third Senate gymnasium. It just simply was not true. My colleagues voted to sustain the ruling of the Chair.

If there is blame to be made for the decision as to whether to finish the third Senate gymnasium, that blame should rest with me and for my colleagues on the Senate Office Building Commission, but principally with me. Because, Mr. President, whether or not we needed the third Senate gymnasium—and I neither designed it nor authorized it nor was chairman of the Commission at the time it was authorized—the third Senate gymnasium, if that is what you want to call it, a third, and really I think it is a first in terms of a physical fitness facility, nevertheless, it exists.

The building is there, the room is there. The question is whether you finish it. And it seems to me when you have the room existing, that you ought to at least put in a floor and you ought to at least put in lights and sides and walls and whatever else because it has great ability to be used for a whole range of uses, such as a hearing room, such as a reception room, such as many other things.

Nevertheless, Mr. President, it is the will of the Senate on the substance of the matter not to complete the Senate physical fitness facility, and I endorse the feelings of my colleagues if that is their wish. I do not think it is good policy.

Nevertheless, I will go along with it. I will, I guess, if not protest, then at least call to the attention of the Senate and of the country that if there was a mistake made, and I think maybe the whole Hart Senate Office Building was a gigantic mistake simply because of the mood of the country, but if that mistake was made, it was made a long time ago and it was not made by this Senate. If I am still in the Senate when it is completed, and I hope I am here long enough, I doubt if it will be too many years before it will be completed, and unquestionably at a greater cost.

I wish the press somehow would be fair enough to recognize that if a mistake is made we ought to make the best of it—which is I think completing a room that is there—and at least to recognize that if some of us stand up, particularly if I stand up and make the point of order, blame me for the point of order, but do not blame the Senate for upholding the rules of the Senate.

Yes, the rules of the Senate are not 100-percent respected; yes, occasionally the Senate will overrule the Chair, but not very often.

Mr. President, it is important that those rules be respected and that you go beyond the particular issue, because if the press puts enough pressure on the Senate and if the country indeed puts enough pressure on the Senate, there is no rule that will be sacrosanct. And if the press believes that the Senate gymnasium should not be completed, so be it. But tomorrow the issue will be something different, where the press and the people will have another opinion.

It seems to me, Mr. President, we ought to be fair with the Members of the Senate and at least accurately detail how they vote.

Having said that, Mr. President, when the vote comes up tomorrow, I will vote for the amendment. As a matter of fact I am a cosponsor of the amendment which will provide for the cessation of any further commitment of funds or completion of the Senate gymnasium and indeed will shut down the so-called second gymnasium in the Dirksen Senate Building. Let me say I was not aware that there was such a thing as a second gymnasium in the Dirksen Senate Building. In fact, I do not think—I still have not seen it—but from what has been described to me it is not worthy of being called that. But it ought to be shut down and this amendment will do just that. And I hope all Senators will be excluded from that so that from now on it will not be said that there are two Senate gymnasiums, because in fact it is not intended to be a second gymnasium.

It any event, Mr. President, having said that I will enthusiastically support it—I say "enthusiastically"—I will realistically, I should say, support the motion to take out the money for the Hart gymnasium.

I yield the floor, Mr. President.

Mr. PACKWOOD. I thank my distinguished colleague. I might say I have seen the "gym" in the Dirksen Office Building and it consists, as I recall, of four or five shower stalls, some lockers, and then there is an adjacent room that has a mat on the floor and there may or may not be some barbells, I cannot remember. But that is the extent of the gym. And there is nothing else there.

And, apart from losing the showers, it is not a great loss if we close it. I think it is probably wise to do so, because in people's minds when they hear the word "gym," they think of the YMCA or a local high school with basketball pavilions, and everything else, and it is marginal at best.

Mr. JOHNSTON. The Senator is entirely correct. First, let me thank him for yielding to me.

Let me say that I would hope that this facility is open to the staff. Many staffers go out and jog at noon or in the evening or whatever and have no place to change and no place to take a shower. I think this ought to be open to the staff.

This amendment does not so state. I might state I did not draw this amendment up. I had one drawn before this one was put in, and my amendment directed that it be made available to the staff. This is not inconsistent with that.

But I hope it is the ruling of the Rules Committee, which is in control of the use of the rooms in the Dirksen Senate Office Building, that they will make it available to the staff, if for no other purposes.

Mr. PACKWOOD. I might join in the sentiment of the Senator from Louisiana. A number of my staff jog at midday, and I wish they had some place to shower.

(Conclusion of earlier proceedings.)

Mr. BAKER. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. PACKWOOD. I yield.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I ask unanimous consent that when we resume consideration of this joint resolution the Senator from Oregon be recognized for the purpose of continuing his debate.

Mr. PACKWOOD. Mr. President, when do we plan to continue?

Mr. BAKER. Mr. President, before the Chair puts the request, in answer to the question of the Senator from Oregon, tomorrow at 10 a.m., according to the order previously entered, we will start a voting cycle that will take us to about noon. There are 10 votes already ordered. It is my anticipation that we will recess tomorrow from noon until 2 p.m., as we usually do on Tuesday, to enable Members on both sides to attend their party caucuses. At 2 p.m. I hope we will devote an hour to the passage of the Department of Defense authorization conference report and then we will be back on the debt limit joint resolution.

Mr. PACKWOOD. Mr. President, do I understand we are not going on on this tonight but we are going to finish morning business, go over until tomorrow and then when we are finished with the already prescribed business I will have the floor back at 3 p.m. or whatever time we finish.

Mr. BAKER. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, once again we will have no further debate on the debt limit joint resolution today. We will resume consideration of this measure tomorrow, after we have done the sequence of votes on the immigration bill and the Department of Defense conference report and vote I believe on the Baker-Byrd amendment tomorrow.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be

a brief period for the transaction of routine morning business to extend not past the hour of 5 p.m. in which Senators may speak for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are certain items on today's Executive Calendar which are cleared on this side for action at this time, beginning with the Department of State on page 4 and continuing through pages 5 and 6.

May I inquire of the minority leader if he is in position to consider all or any part of these nominations at this time?

Mr. ROBERT C. BYRD. Mr. President, we on this side of the aisle are ready to proceed to the consideration of the first nomination under Department of State, may I suggest.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering certain nominations on today's Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of Robert H. Phinny, of California, to be Ambassador to the Kingdom of Swaziland.

Mr. TSONGAS. Mr. President, As ranking member of the Senate Subcommittee on African Affairs, I find it necessary to oppose the nomination of Robert H. Phinny for U.S. Ambassador to Swaziland.

This decision does not reflect any concern about the personal qualities of Mr. Phinny. I have no doubt that he is an honest, competent, and serious man committed to doing the best possible job representing our country in Swaziland. Nevertheless, after reviewing Mr. Phinny's testimony to the Senate Foreign Relations Committee, I seriously question his qualifications and ability to perform in this sensitive position.

Swaziland, a small nation located in between South Africa and Mozambique, will have an important role to play in the future political development of southern Africa. I believe that our Ambassador to Swaziland must have a sound, comprehensive understanding of the historical, political, and social complexities of the region. This is essential to a successful U.S. southern African policy. I have profound reservations as to whether Mr. Phinny, at this time, is the right man for the job.

To his credit, Mr. Phinny has expressed a desire to devote the necessary time and effort to become acquainted with southern Africa. I hope he is successful. I am also convinced that Mr. Phinny will be surrounded with experienced and qualified Foreign Service officers, particularly the Deputy Chief of Mission. I, however, as a matter of principle and out of concern for a thoughtful southern Africa policy, cannot support the nomination of Robert H. Phinny.

The PRESIDING OFFICER. The question is on agreeing to the nomination.

The nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, if the majority leader will yield, I now respond to his request that he previously made and state that there is no objection to proceeding to the nominations under the Department of State, the judiciary, under new reports down through U.S. Synthetic Fuels Corporation on page 6.

Mr. BAKER. I thank the minority leader.

In view of that, I ask unanimous consent that the nominations identified by the distinguished minority leader be considered en bloc.

The PRESIDING OFFICER. The nominations previously identified are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Richard H. Ellis, of Virginia, for the rank of Ambassador during the tenure of his service as the U.S. Commissioner on the United States-USSR Consultative Commission.

THE JUDICIARY

Mary Ann Cohen, of California, to be a judge of the U.S. Tax Court for a term expiring 15 years after she takes office.

Lapsley Walker Hamblen, Jr., of Virginia, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

SECURITIES INVESTOR PROTECTION CORPORATION

Ralph D. DeNunzio, of Connecticut, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1982. (Reappointment.)

David F. Goldberg, of Illinois, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1984.

Roger A. Yurchuck, of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1984.

UNITED STATES SYNTHETIC FUELS CORPORATION

Milton M. Masson, Jr., of Arizona, to be a member of the Board of Directors of the United States Synthetic Fuels Corporation for a term of 1 year.

John B. Carter, Jr., of Texas, to be a member of the Board of Directors of the United States Synthetic Fuels Corporation for a term of 2 years.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to reconsider the vote by which both actions were taken in respect to the nominees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominess were confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has confirmed the nominations.

NOMINATION OF MILTON M. MASSON, JR., TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. SYNTHETIC FUELS CORPORATION

Mr. McCLURE. Mr. President, on August 13, the Committee on Energy and Natural Resources favorably reported the nomination of Milton M. Masson, Jr., to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation. The vote was 17 to 0. The committee's vote followed a nomination hearing held on August 12.

Mr. Masson is executive vice president and treasurer of Sullivan & Masson, Inc., an architect-engineering firm located in Phoenix, Ariz. Mr. Masson holds a B.S. degree in electrical engineering and is licensed as a professional engineer in 10 States. He has a broad business background, including extensive experience in the construction industry.

Mr. President, Mr. Masson has filed a detailed information statement with the Committee on Energy and Natural Resources, and he has complied with all committee requirements pertaining to Presidential nominees. On behalf of the Committee on Energy and Natural Resources, I recommend that the Senate approve the President's nomination of Milton M. Masson, Jr., to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation.

NOMINATION OF JOHN B. CARTER, JR., TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. SYNTHETIC FUELS CORPORATION

Mr. President, on August 13 the Committee on Energy and Natural Resources, by a vote of 17 to 0, reported the nomination of John Boyd Carter, Jr., to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation. Mr. Carter's nomination hearing was held on August 12. He has fully complied with the committee's rules requiring submittal of a financial disclosure report and a detailed information statement.

Since the early fifties, Mr. Carter has spent the major portion of his

business career involved in energy projects and energy companies. He has substantial experience as an investment banker, a financial consultant, and an independent oil operator. He is currently senior vice president and a director of POGO Producing Co., an oil and gas exploration company headquartered in Houston, Tex.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I recommend Senate approval of the Presidential nomination of John Boyd Carter, Jr., for a position on the Board of Directors of the U.S. Synthetic Fuels Corporation.

NOMINATION OF LAPSLEY WALKER HAMBLEN, JR., TO BE A JUDGE OF THE U.S. TAX COURT

Mr. DOLE. Mr. President, on August 12, 1982, the Committee on Finance held hearings on the nomination of Lapsley Walker Hamblen, Jr., to be a judge of the U.S. Tax Court. As chairman of the committee I am pleased to report that the committee has unanimously ordered his nomination to be favorably reported.

Mr. Hamblen who is a resident of Lynchburg, Va., was introduced to the committee by Senator BYRD. As Senator BYRD indicated, Mr. Hamblen is well suited for the position to which he has been nominated. After serving in the U.S. Navy during World War II he attended the Georgia Institute of Technology and the University of Virginia from which he received a B.A. degree. Following undergraduate school he entered law school at the University of Virginia from which he graduated in 1953. He served as president of the law school and was asked to be a member of the Order of the COIF.

Mr. Hamblen was admitted to the bar in West Virginia in 1954, in Ohio in 1955, and in Virginia in 1957. He served as attorney-adviser to the Tax Court of the United States, Washington, D.C.; and trial attorney in regional counsel's office of Internal Revenue Service, Atlanta, Ga., prior to his present position. Since 1957 he has been a member and partner in the law firm of Caskie, Frost, Hobbs & Hamblen of Lynchburg, Va. His practice consists mainly of corporate, probate and tax planning, and representation in corporate, probate and tax matters in controversy or litigation with emphasis on tax aspects of corporate and estate or probate practice, especially corporate acquisitions and related matters.

Mr. Hamblen's business and professional activities include service as special consultant to Worrell Newspapers, Inc., Charlottesville, Va.; former director, vice president, and general counsel, Carter Glass & Sons Publishers, Inc., Lynchburg, Va.; director and member of executive committee, Virginia National Bank, Lynchburg, Va.; trustee, Southern Federal Tax Institute, Atlanta, Ga.; codirector, Annual Virginia Conference on Federal Taxation, University of Virginia, Charlottesville, Va.; former chairman, tax section board of governors, Virginia State bar; and member, tax section, American Bar Association.

Mr. Hamblen has written numerous articles and lectured on numerous occasions in tax law matters. His education and experience make him uniquely qualified to be a judge on the Tax Court. I am pleased that my colleagues have confirmed his nomination.

NOMINATION OF MARY ANN COHEN TO BE A JUDGE OF THE U.S. TAX COURT

Mr. President, on August 12, 1982, the Committee on Finance held hearings on the nomination of Mary Ann Cohen to be a judge of the U.S. Tax Court. It is a pleasure for me as chairman of the committee to report that the committee has unanimously voted to order her nomination favorably reported.

Ms. Cohen brings outstanding credentials to this position. She received a B.S. degree from the University of California in business administration and a J.D. from the University of Southern California law center where she was an editor of the law review. Upon graduation, Ms. Cohen was admitted to the California bar and was employed in a law firm in which she became a partner 2 years later. Since 1969 she has practiced law in the firm of Abbot & Cohen in Los Angeles.

The firm's practice consists primarily of business and tax litigation and counseling. A substantial portion of the practice includes defense of criminal tax investigations and prosecutions which ranges from representation of corporations and/or their officers to defense of tax offenses of individuals. Civil tax matters handled cover a broad variety of situations such as those arising from settlement of complex business litigation; partnership and corporate liquidations; marital dissolutions; and processing of civil aspects of tax cases subsequent to disposition of criminal investigation or prosecution.

Ms. Cohen's familiarity with tax issues involving professional corporations and qualified retirement plans arises out of administration of the law firm, as well as general counseling of clients with respect to such matters.

Ms. Cohen is a member of the American Bar Association and its section on taxation and the committees on civil and criminal tax penalties, of which she served as chairman from 1977 to 1979. She has also been a member of a number of other bar association committees and authored several articles on tax laws.

Mr. President, Ms. Cohen is obviously qualified to be a judge of the Tax Court, and I am pleased my colleagues have confirmed her nomination.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJOR LEAGUE SPORTS COMMUNITY PROTECTION ACT OF 1982

Mr. KASTEN. Mr. President, I am pleased to join as a cosponsor of S. 2784, the "Major League Sports Community Protection Act of 1982." S. 2784 will help guarantee that the great financial and emotional investments that fans and communities make on behalf of their local sports teams will be protected. This is especially important for smaller cities who now have successful teams, such as the city of Green Bay, Wis., and their great football team, the Green Bay Packers.

Green Bay, Wis., is presently the smallest city represented in the NFL. The Green Bay Packers football team is the oldest member of the NFL and is without question its most successful franchise. The legislation I have cosponsored will help assure that the success of the Packers will continue, and that the Packers can always call Green Bay their home.

Mr. President, the Green Bay Packers are part of the great sports tradition of the State of Wisconsin, and of professional football in this country. The Packers began as a team in 1919, when Earl (Curley) Lambeau formed the club and named it in honor of the company that helped get it started. The Packers' winning ways started that first year when they won 10 straight games.

The Packers were the first team to use the passing game. Such innovations helped the Packers to become NFL champs in 1929, 1930, and 1931.

In 1959 the Packers hired Vince Lombardi as coach. During the sixties under the great Lombardi, the Packers dominated the sport of football, winning four world championships. They overwhelmed their opponents in Superbowls I and II.

Many great athletes have played on Packers teams. In addition to coach Lombardi was Bart Starr, who quarterbacked the Packers in Superbowls I and II. There was Paul Hornung, Herb Adderly, Boyd Dowler, Ray Nitschke, and Don Chandler, to name only a few.

Mr. President, the Packers have a long and illustrious history of success in Green Bay. They will continue to be a great team in the future. The legislation I have cosponsored will help assure that the Packers remain a great team and a part of the heritage of successful sports teams in the State of Wisconsin.

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 13, 1982, the Secretary of the Senate, on August 16, 1982, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House insists upon its amendments to the bill (S. 2036) to provide for a job training program and for other purposes; disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. PERKINS, Mr. HAWKINS, Mr. FORD of Michigan, Mr. CLAY, Mr. BIAGGI, Mr. SIMON, Mr. WEISS, Mr. CORRADA, Mr. WASHINGTON, Mr. ERLENBORN, Mr. JEFFORDS, Mr. PETRI, Mrs. FENWICK, and Mr. DENARDIS as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6542. An act to withdraw certain lands from mineral leasing, and for other purposes.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 6542. An act to withdraw certain lands from mineral leasing, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 439. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2305;

S. Res. 440. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4347; and

S. Res. 443. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S, 2812.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. NUNN, and Mr. CHILDS):

S. 2838. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; read the first time.

By Mr. GARN (by request):

S. 2839. A bill to authorize appropriations for the Bureau of the Mint; to the Committee on Banking, Housing, and Urban Affairs.

S. 2840. A bill to authorize the appropriation of funds for the improvement of mint facilities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JACKSON:

S. 2841. A bill for the relief of Gordon H. Hay; to the Committee on Armed Services.

S. 2842. A bill to provide for equitable waiver in the compromise and collection of Federal claims; to the Committee on Governmental Affairs.

By Mr. DIXON (for himself and Mr. STEVENS):

S. 2843. A bill to amend the Internal Revenue Code of 1954 to limit the application of the stock voting rights passthrough to certain employee stockownership plans, and for other purposes; to the Committee on Finance.

By Mr. QUAYLE:

S. 2844. A bill to amend the Age Discrimination in Employment Act of 1967 to eliminate the upper age limitation of 70 years of age, to make procedural reforms, and to reinstate the tenured faculty exemption, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. NUNN, and Mr. CHILES):

S. 2838. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; read the first time.

(The remarks of Mr. THURMOND on this legislation appear earlier in today's RECORD.)

By Mr. JACKSON:

S. 2841. A bill for the relief of Gordon H. Hay; to the Committee on Armed Services.

RELIEF OF GORDON H. HAY

Mr. JACKSON. Mr. President, Mr. Gordon H. Hay, a resident of my home State of Washington has applied for a Navy retirement pension but has been denied.

In brief, Mr. Hay served in the U.S. Navy for almost 4 years during World War II. Upon his release from active duty in December 1945, he agreed to remain in the Reserves. He performed no duties with the Navy following the war as the local Reserve units were unorganized and untrained. However, in 1963 a chief warrant officer and Navy recruiter advised Mr. Hay that "gratuitous points" toward retirement would be awarded for the period from December 1945 to June 1949 if Mr. Hay reenlisted in the V-6 program of the U.S. Naval Reserves. The CWO who made the statement has confirmed in writing that he so informed Mr. Hay; however, it turns out this information was in error.

Believing he was earning retirement points, Mr. Hay was a member of the Naval Standby Reserves during the 1946–49 period following his 13 years of active duty Navy service but he does not have records substantiating the Reserve duty. Having been a Member of Congress during the V-6 classification era, I can vouch that the V-6 program had little organization and was administered with a great deal of confusion. It is certainly conceivable that personnel records were not furnished to the personnel serving in the V-6 program.

There is no question that Mr. Hay served honorably for almost 18 years. It is also clear that, on the erroneous advice of a Navy recruiter, Mr. Hay reenlisted in the Navy Reserves for the purpose of earning retirement credit. Under these circumstances, Mr. Hay has had unfair treatment and I feel it is only fair that the United States make special arrangements to grant Mr. Gordon Hay the pension he earned and that he deserves.

I ask unanimous consent that my legislation in behalf of Mr. Hay be printed in the RECORD at this point.

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

S. 2841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of determining eligibility for retired pay benefits under chapter 67 of title 10, United States Code, Gordon H. Hay, of Bremerton, Washington, shall be deemed to have performed 20 years of service as computed under section 1332 of such title, the said Gordon H. Hay having reenlisted in the Naval Reserve in 1963 relying on the erroneous representation of a Navy recruiter that the said Gordon H. Hay would receive credit for retirement purposes for service in the V-6 Naval Reserve program from December 1945 to June 1949.

SEC. 2. No benefits shall be paid to the said Gordon H. Hay by virtue of the enactment of this Act for any period prior to such date of enactment.

By Mr. JACKSON:

S. 2842. A bill to provide for equitable waiver in the compromise and collection of Federal claims; to the Committee on Governmental Affairs.

COLLECTION OF CERTAIN FEDERAL CLAIMS

Mr. JACKSON. Mr. President, today I am introducing a bill which has been recommended to the Congress by the General Accounting Office which would authorize agency heads to grant equitable waivers in the compromise and collection of Federal claims involving inadvertent overpayments of travel and transportation expenses. Current law permits agency heads to waive claims for overpayments involving pay and allowances. My bill would simply expand that authority to include waivers for travel and transportation expenses.

My bill would also increase the amount of claims which could be waived from the existing level of no more than $500 per claim to no more than $5,000 per claim.

Mr. President, my interest in this legislation stems from a case which

was recently brought to my attention involving 17 of my constituents who are employees of the GAO in the Seattle regional office of that agency. These employees were paid per diem for travel and transportation at a higher rate than authorized and are being requested to make repayment. These overpayments were received in good faith and the employees in question will suffer financial hardship if they are required to make repayment of these funds which they received and expended based on an honest but incorrect understanding of the per diem limits.

It is my understanding that this is a recurring problem which the GAO and other agencies face and that the case involving my constituents is not unique. For this reason the Comptroller General has recommended that the existing law be amended to permit waivers for claims involving travel and transportation expenses. I ask unanimous consent that the bill and a letter from the Comptroller General to Chairman RODINO of the House Judiciary Committee explaining the need for this bill be included in the RECORD at the conclusion of my remarks to provide further clarification of the need for this bill.

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

S. 2842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the analysis of subchapter VIII of Chapter 55 of title 5, United States Code is amended by striking out of the title of section 5584, "other than" and inserting in lieu thereof "including"; and section 5584 of title 5, United States Code, is amended (1) by striking out of the catchline "other than" and inserting in lieu thereof "including"; (2) by striking out of section (a) "A claim of the United States against a person arising out of an erroneous payment of pay or allowances, other than travel and transportation expenses and allowances and relocation expenses payable under section 5724a of this title, on or after July 1, 1960," and substituting therefor "A claim of the United States against a person arising out of an erroneous payment of pay or allowances on or after July 1, 1960, and including a claim of the United States against a person arising out of an erroneous payment of travel and transportation expenses and allowances and relocation expenses payable under section 5724a of this title, on or after January 1, 1979,"; (3) by striking out of subsection (a)(2)(A) "$500;" and inserting in lieu thereof "$5,000;"; (4) by striking out of clause (3) of section (b) the final conjunctive word "or" and by striking out of clause (4) of section (b) the final word and punctuation "later." and inserting in lieu thereof "later; or"; (5) and by adding the following clause at the end of section (b):

"(5) in all cases involving claims for waiver of over payments of travel and transportation expenses and allowances and relocation expenses, if the erroneous payment occurs before January 1, 1979, or if application for waiver is received in his office after the expiration of three years immediately following the date on which the erroneous payment was discovered.

(b) the analysis of Chapter 165 of title 10, United States Code is amended by striking out of the title of section 2774., "other than" and inserting in lieu thereof "including"; and section 2774 of title 10, United States Code is amended by (1) striking out the catchline "other than" and inserting in lieu thereof "including"; (2) by striking out of section (a) "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation allowances, made before or after October 2, 1972," and substituting therefor "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before or after October 2, 1972, and including a claim of the United States against a person arising out of an erroneous payment of travel and transportation allowances on or after January 1, 1979,"; (3) by striking out of subsection (a)(2)(A) "$500;" and inserting in lieu thereof "$5,000;"; (4) and by striking out of clause (2) of section (b) "of pay or allowances, other than travel and transportation allowances,".

(c) the analysis of Chapter 7 of title 32, United States Code is amended by striking out of the title of section 716., "other than" and inserting in lieu thereof "including"; and section 716 of title 32, United States Code, is amended (1) by striking out of the catchline "other than" and inserting in lieu thereof "including"; (2) by striking out of section (a) "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation allowances, made before or after October 2, 1972," and substituting therefor "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before or after October 2, 1972, and including a claim of the United States against a person arising out of an erroneous payment of travel and transportation allowances on or after January 1, 1979,"; by striking out of subsection (a)(2)(A) "$500;" and inserting in lieu thereof "$5,000;"; (4) by striking out of clause (2) of section (b) "of pay or allowances, other than travel and transportation allowances,".

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., May 5, 1981.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: This responds to your letter of February 13, 1981, in which you request our views on H.R. 1025, 97th Congress, 1st Session, a bill "[t]o provide for equitable waiver in the compromise and collection of Federal claims."

The purpose of the Waiver Acts—5 U.S.C. § 5584, 10 U.S.C. § 2774 and 32 U.S.C. § 716—is to allow the waiver, either in whole or in part, of a claim of the United States against an employee or former employee of a Federal agency or a member or foreign member of the military service or National Guard arising out of an erroneous payment of pay or allowances, the collection of which would be against equity and good conscience and not in the best interests of the United States.

The present bill is similar to a bill, H.R. 13393, originally introduced in the 94th Congress, 2d Session, at the request of the General Accounting Office. The original bill sought to permit the ceiling on the amount of an overpayment which could be finally adjudicated at the agency level from $500 to "* * * not in excess of amounts to be prescribed by the Comptroller General from time to time."

The present bill, H.R. 1025, specifically raises the ceiling on agency action from $500 to $5,000. We believe that this proposed amendment would improve the overall economy and efficiency of waiver processing. It would result in no additional administrative workload to the agencies because they must review waiver requests regardless of whether the cases are forwarded to GAO or settled at the administrative level. The overall procedures for handling waivers will not be significantly changed because waiver cases will continue to be handled in accordance with standards prescribed by the Comptroller General. Agency performance will continue to be evaluated by GAO during onsite reviews of agency operations and doubtful cases and appeals will continue to be submitted to the Comptroller General for review.

Accordingly, we strongly support the provisions of H.R. 1025.

At the same time we would like to repeat a proposal we made to your committee last year in our comments on H.R. 224, 96th Congress, 1st Session, and to reassert our continuing concern for the specific category of equitable claims which is precluded from consideration for waiver. The existing waiver statutes expressly do not apply to overpayments of travel and transportation allowances and expenses and relocation expenses.

Our experience demonstrates that serious hardship has been caused in many travel cases and that employees have been required to make substantial refunds to the Government as a result of circumstances which were not their fault. More particularly, our experience shows that many of these claims arise from erroneous agency authorizations which employees rely on in good faith to their detriment. Indeed, we have decided a number of individual claims where the increasing complexity of the laws relating to travel and transportation entitlements has outdistanced the agencies' ability to regulate these entitlements. The examples presented in Appendix II are indicative of the broad range of travel and transportation expenses and relocation expenses claims for which waiver consideration is precluded by the applicable statutes. No other administrative relief was possible in any of these cases, but in all of them, if waiver had been available it would have been considered and probably granted. At the present time, however, the only available remedy in such cases is the pursuit of a private relief bill through the Congress.

Accordingly, we are offering in Appendix I a proposed amendment addressing our additional concern expressed here. Enactment of the legislation recommended in Appendix I would provide a mechanism for relieving individuals who are overpaid travel and transportation expenses and allowances and relocation expenses in circumstances such as described in Appendix II.

Sincerely yours,

MILTON J. FOWLER,
Acting Comptroller General of the United States.

By Mr. DIXON (for himself and Mr. STEVENS):

S. 2843. A bill to amend the Internal Revenue Code of 1954 to limit the ap-

plication of the stock voting rights passthrough to certain employee stock ownership plans, and for other purposes; to the Committee on Finance.

EMPLOYEE STOCK OWNERSHIP PLAN EXPANSION ACT

Mr. DIXON. Mr. President, the bill I am introducing today with Senator STEVENS, the ESOP Expansion Act, would remove certain obstacles to the formation of employee stock ownership plans (ESOP's) by closely held corporations with minimal, if any, cost to the U.S. Treasury.

An ESOP is a tax-qualified method of providing employees with beneficial ownership of stock in their company without requiring cash outlay on their part. Before 1978, the Tax Code recognized two types of ESOP's: First, the leveraged ESOP, which could hold any form of employee security and did not require passthrough of voting rights, and second, the tax reduction ESOP, which was eligible for an additional 1 percent investment tax credit and which was required to hold only voting stock and to pass through voting rights to employees who participated in the plan. In 1978, we consolidated these two types of plans and imposed the voting passthrough and voting stock requirements on leveraged ESOP's as well as those eligible for the tax credit. Recognizing that such requirements might be unduly burdensome for closely held companies, we limited the voting passthrough and voting stock requirements to major corporate issues such as mergers and amendments to the articles of incorporation.

Although the 1978 law has not caused difficulties for publicly traded companies, it has created severe problems for many closely held and family businesses that want to share ownership with their employees. The voting passthrough and voting rights requirements may, in cases where there is high employee turnover, cause such a broad dispersal of stock among former employees that a small or family business may become publicly owned against the wishes of those who formed it.

The voting rights requirement may cause additional problems for closely held companies, as the example of a small publishing company in my home State of Illinois will illustrate. This company has outstanding both voting and nonvoting stock. Its corporate treasury contains shares of nonvoting stock which would be available for the formation of an ESOP but for the voting-rights requirement in current law. This company, however, is unable to issue any new voting stock, either for ESOP formation or for other purposes, because of an agreement made at the insistance of some of its creditors. Thus, the company is effectively prevented from forming a tax-qualified ESOP because current law conflicts with the company's need to satisfy its lenders' demands.

Closely held companies such as this one often can be made subject to restrictions against the issuance of new voting stock. Such stipulations may frequently be made by lenders who want to be satisfied that control of the corporation will remain in the hands of those who control it at the time the agreement to extend credit is made. Alternatively, the corporation may wish to obtain additional financing through the issuance of voting stock to limited numbers of new stockholders. These new stockholders, in order to be assured that their share of control of the company will not be diluted, may condition their purchase of stock on an agreement that the company issue no new voting stock thereafter. In either situation, the company, in order to obtain needed financing through debt or new stock issues, must respond to the demands of lenders or prospective stockholders. Obviously, in such cases the corporation is effectively prevented from forming tax-qualified ESOP's by the need for an infusion of capital. In a period of high interest rates, such a situation imposes especially severe burdens on closely held businesses.

In essence, Mr. President, the voting passthrough and voting-stock requirements applicable to ESOP's under current law prevent many small business owners from offering their employees a share in the growth of their company. Not surprisingly, business groups indicate a sharp decline of interest in ESOP's among closely held companies since these requirements were imposed in 1978. The express intent of Congress to avoid unduly burdensome requirements for closely held companies has, in practice, been frustrated.

In 1981, the Senate attempted at least a partial remedy to this situation. By a vote of 94 to 3, this body added an amendment offered by Senator STEVENS which would have repealed the voting passthrough requirement for closely held companies. Unfortunately, this amendment was dropped in conference with the House.

The bill we are introducing today would more broadly remedy the obstacles imposed by current law to the formation of leveraged ESOP's by closely held companies. Section 2 would remove the voting passthrough requirement for closely held companies. Section 3 would remove the voting-stock requirement for such companies. This bill, however, contains an important limitation which would mitigate or prevent any loss of revenues as a result of the change. The bill would apply only to those companies which are willing to forgo the new ESOP tax credits allowed by sections 44G and 48(n) of the code. Moreover, the bill would not affect current legal requirements governing ESOP's in publicly traded corporations. The revenue effect of the bill is estimated, therefore, to be negligible; that is, not in excess of $10 million.

This bill, Mr. President, will promote equity by rendering limited ESOP tax incentives available as a practical matter to closely held as well as publicly traded companies. All ESOP transactions will continue to be subject to the fair market value standard of ERISA, thus insuring that nonvoting stock contributed to an ESOP by a closely held company will have a definable value. Employees of many closely held companies will now have the opportunity to receive a share in their companies' earnings and growth.

In short, Mr. President, I respectfully urge that my colleagues favorably consider this bill, which provides a simple and fiscally conservative means of effectuating Congress concern in 1978 to avoid unduly burdensome requirements with respect to the formation of ESOP's by closely held companies.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Stock Ownership Plan Expansion Act".

SEC. 2. PASSTHROUGH OF STOCK VOTING RIGHTS.

(a) IN GENERAL.—Paragraph (22) of section 401(a) of the Internal Revenue Code of 1954 (relating to qualification requirements) is amended to read as follows:

"(22) If a defined contribution plan (other than a profit-sharing plan)—

"(A) is established by an employer—

"(i) with respect to whom the requirements of section 44G or 48(n) are applicable for the taxable year by reason of an election made by the employer, and

"(ii) whose stock is not publicly traded, and

"(B) after acquiring securities of the employer, more than 10 percent of the total assets of the plan are securities of the employer,

any trust forming part of such plan shall not constitute a qualified trust under this section unless the plan meets the requirements of subsection (e) of section 409A for the plan year ending with, or within, such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to acquisitions of securities after December 31, 1982.

SEC. 3. ACQUISITION OF NONVOTING STOCK BY A TAX CREDIT ESOP.

(a) IN GENERAL.—Subsection (1) of section 409A of the Internal Revenue Code of 1954 (relating to employer securities) is amended by adding at the end thereof the following new paragraph:

"(15) CERTAIN NONVOTING COMMON STOCK.—Nonvoting common stock issued by the em-

ployer (or by any corporation which is a member of the same controlled group of corporations of which the employer is a member) shall be treated as employer securities if—

"(A) none of the common stock issued by the employer (or by any such corporation) is readily tradable on an established securities market, and

"(B) the employer and any corporation of the same controlled group of corporations of which the employer is a member have not elected the application of the requirements of section 44G or 48 (n) for the taxable year of the employer, or of such corporation, for which such stock is transferred to, or purchased by, the plan.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1982.

By Mr. QUAYLE:

S. 2844. A bill to amend the Age Discrimination in Employment Act of 1967 to eliminate the upper age limitation of 70 years of age, to make procedural reforms, and reinstate the tenured faculty exemption, and for other purposes; to the Committee on Labor and Human Resources.

AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS OF 1982

● Mr. QUAYLE. Mr. President, I am today introducing the Age Discrimination in Employment Amendments of 1982, a bill to amend the Age Discrimination in Employment Act of 1967 to eliminate the upper age limitation of 70 years of age, to make procedural reforms, and reinstate the tenured faculty exemption, and for other purposes.

This bill has three major purposes: the first is to remove the current 70-year cap on the protections afforded by the Discrimination in Employment Act; the second is to make procedural reforms in the enforcement provisions of the act to make it more consistent with other employment discrimination statutes; and the third is to restore the exemption from the ban on mandatory retirement for tenured faculty members, which expired at the beginning of last month.

I recognize that there are, and will be, other bills to deal with this issue. After meeting with others and discussing various approaches to amending the ADEA, I have decided that there is still a need to introduce my proposal. My bill is drafted on the premise that all issues should be put on the table so that when the committee and the Congress decide to act, it will be after a full attainment of the issue.

1. LIFTING THE AGE 70 CAP

Under present law, the protection against age discrimination is limited to individuals who have not attained age 70. The bill removes that restriction. This provision is premised on the right of older workers to continue working, if they are able and willing to do so, and is supported by the fact that conditions which once justified encouraging early retirement of older workers are changing. Demographic projections indicate that we will have an increasingly older work force, while at the same time an increasing number of jobs do not require great physical stress and take place in an office setting. Increasing opportunities for older workers is thus not only a matter of equity for the workers but also makes commonsense in terms of labor market changes. It also has the potential of providing relief for the hard-pressed social security system.

Over the coming decades, the age distribution of the population will be shifting dramatically. The absolute number of older people in our society will increase and both the public and private sectors will need to pay more attention to the concerns of older workers. While the percentage of older Americans will not change from the current level for the balance of this century, the number of older workers is likely to increase dramatically in the early years of the 21st century.

This change in the structure of the available work force will have great implications for older workers. In the past, the great influx of younger workers created enormous pressure to remove older workers from the labor force. In the future, the demographics will work in favor of retaining older workers and labor market needs will require their utilization.

Yet, few trends in the 20th century have been more pronounced than the decline in the labor force participation of older persons. The participation rates of older workers—especially men—has been declining at an alarming rate for the past 20 years. Participation rates in the labor force for men aged 65 and over has dropped from 34 percent in 1960 to less than 20 percent in 1981. For men aged 55 to 64, the rate has dropped 15 percent over the last 20 years. The participation rates for women over age 65 has always been and still remains very low. Recently there has been an increase in the number of women aged 55 to 64 entering the labor force.

With an increasingly older population, greater attention will have to be paid to Federal policies which intentionally or unintentionally restrict participation in the work force by older Americans. We must encourage more flexible arrangements for continued work.

These facts and issues have been recognized for many years and have been stated countless times in testimony before Congress and in studies presented by the Department of Labor. Recent surveys have shown that 9 out of 10 Americans oppose forced retirement because of age. Removal of the 70-year age cap is a necessary step in encouraging continued participation of older workers in the labor force.

The administration has already spoken out in favor of prohibiting mandatory retirement to individuals over the age of 70. My bill would eliminate not only mandatory retirement but also all other discrimination against workers over age 70.

No American should be forced to retire at a certain age without regard to physical or mental condition. An individual who desires to continue working should be permitted to do so, if capable. Ability, not age, should be the guiding criteria in developing a retirement policy.

The ADEA prohibits arbitrary discrimination against workers, on the basis of age, in all reas of employment policy. This includes hiring, firing, and promotions. We should extend all these protections of the ADEA to workers over 70 and not limit their protection to a prohibition on mandatory retirement. How can we prohibit discrimination in some areas of employment policy and permit it in others?

I do not wish to suggest that the aging process does not affect an individual's capabilities. For this reason I would like to emphasize that "arbitrary" is a key word in the legislative history of the act. In 1965, Willard Wirtz, as the Secretary of Labor, presented the findings of a study on the evidence of age discrimination in our society, which subsequently led to enactment of the ADEA. Secretary Wirtz, carefully distinguished between arbitrary discrimination where there is no factual basis for assumptions about the effect of age on an individual's ability to do a job and those cases where there is in fact a demonstrable relationship between age and ability to perform a job. For this reason, the ADEA permits exemptions to the prohibitions of the act which are based on reasonable factors other than age and bona fide occupational qualifications. These provisions will continue to enable employers to take necessary personnel actions in those cases where age does affect an individual's ability to perform a job.

2. REVISING THE ENFORCEMENT PROCEDURES

The current enforcement provisions of the ADEA are modeled on those of the Fair Labor Standards Act, (the Federal minimum wage law) which are geared to enabling plaintiffs to recover the wages that they have been underpaid, that is, to get a money judgment. In such actions for money damages, the right to a jury trial is, of course, appropriate and even constitutionally required. But the purpose of an antidiscrimination statute, such as the ADEA, is not to collect money damages; it is to change the nature of employment practices. Therefore, the remedies in antidiscrimination laws—most importantly title VII of the Civil Rights Act—are geared to equitable relief, to orders for future compliance for which backpay may be an appropriate auxiliary remedy. Such actions

are not appropriate for jury trial. I believe that what is appropriate as an individual's remedy for discrimination on account of race or sex or national origin is also appropriate for discrimination based on age. That is why I have revised the enforcement procedure so as to eliminate the jury trial and liquidated damage provisions taken from the FLSA and replaced them with equitable relief provisions as found in other antidiscrimination statutes.

This reform is particularly called for because of the implementation of Reorganization Plan No. 1 of 1978. Prior to that reorganization plan, the ADEA was administered by the Department of Labor, which also administers the FLSA. There was, therefore, at least some logic in having similar enforcement for the two statutes. But the reorganization plan transfers administration of ADEA to the Equal Employment Opportunities Commission and the same logic that supported the transfer dictates the revision of the enforcement procedures.

Like title VII, the emphasis in the ADEA is on voluntary compliance through informal methods of conciliation, conference, and persuasion. Liquidated damages encourage complainants to litigate and discourage informal resolution of lawsuits.

3. RESTORING THE TENURED FACULTY EXEMPTION

When the ADEA was amended in 1978 to raise the protections of the act from age 65 to age 70, a temporary exemption for tenured faculty was provided so that such faculty could continue to be retired at age 65. At that time, the rationale given for the exemption of tenured faculty was that for the foreseeable future the number of available positions would be closely related to the number of retirements, thereby making it difficult to employ younger professors. The exemption expired on July 1 of this year. However, the situation is the same today as it was in 1978 and will continue to be a problem in the foreseeable future.

The tenure system presents a unique case among professions because it is a contract which insures that faculty members are guaranteed employment and acquire the freedom to think, study, teach, and write without fear of reprisal. This guarantee is granted in exchange for a set retirement date. If we do not restore this exemption colleges and universities will be faced with a choice between two very undesirable options.

If mandatory retirement for tenured faculty is eliminated, colleges and universities could elect to keep the tenure system as it now functions essentially intact. The result would be that individuals would have the assurance of continued employment, for life—with harmful effects on education, on the advancement of new faculty members, and on the academic enterprise as a whole. Another alternative would be to eliminate tenure, or substantially alter it, perhaps by introducing periodic reviews of competence—with chilling effects on academic freedom and consequently, on teaching, faculty morale and the advancement of knowledge.

A stipulated mandatory retirement age has the important advantage of allowing institutions to achieve the positive purposes which tenure provides while simultaneously assuring some regular degree of turnover. It also permits far more humane conclusions to careers then would otherwise occur if senior faculty members had to be told by their colleagues when they were no longer fit to teach. Tenure is an effective device to assure academic vitality, but it probably will not endure in the absence of a mandatory retirement age.

I ask unanimous consent that the text of the bill be inserted at the conclusion of my remarks.

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

S. 2844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Age Discrimination in Employment Amendments of 1982".

SEC. 2. (a)(1) Section 7(b) of the Age Discrimination in Employment Act of 1967 is amended to read as follows:

"(b)(1) The provisions of this Act shall be enforced in accordance with the provisions of this subsection and subsection (c) of this section.

"(2) The Commission shall, upon receiving a complaint or as a result of investigations, attempt to eliminate the discriminatory practice or practices alleged, and to affect voluntary compliance with the requirements of this Act through informal methods of conciliation, conference, and persuasion.

"(3) Any person claiming to be aggrieved by an act prohibited under section 4 of this Act or the Commission may bring a civil action for such equitable relief as will carry out the purposes of this Act. If the court finds that the respondent has engaged in or is engaging in acts prohibited under section 4 of this Act charged in the complaint, the court may enjoin the respondent from engaging in acts prohibited under section 4 of this Act, and order such equitable relief as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the acts prohibited under section 4 of this Act).

"(4) The right of any person to bring or maintain such action shall terminate upon the commencement of an action by the Commission to enforce the right of such employee under this Act.".

(2) Section 11 of such Act is amended by adding at the end thereof the following:

"(j) The term 'Commission' means the Equal Employment Opportunity Commission.".

(b) Section 7(c) of such Act is amended to read as follows:

"(c) Each United States district court subject to the jurisdiction of the United States shall have jurisdiction of actions brought in such court under this Act. Such an action may be brought in any judicial district in the State in which the prohibited acts are alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged prohibited acts, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.".

SEC. 3. Section 12(a) of the Age Discrimination in Employment Act of 1967 is amended by striking out "but less than 70 years of age".

SEC. 4. (a) Section 12(c)(1) of the Age Discrimination in Employment Act of 1967 is amended by striking out "but not 70 years of age".

(b) Section 12 of such Act is amended by adding after subsection (c) the following new subsection:

"(d) Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education (as defined by section 1201(a) of the Higher Education Act of 1965).".

SEC. 5. The amendments made by section 2 of this Act shall take effect with respect to civil actions brought after the date of enactment of this Act. The amendment made by section 3 of this Act shall take effect on January 1, 1983, or six months after the date of enactment of this Act, whichever is later. The amendment made by section 4 of this Act shall take effect on July 1, 1982.●

ADDITIONAL COSPONSORS

S. 1141

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 1141, a bill to establish the National Forest Investment Fund, and for other purposes.

S. 2801

At the request of Mr. JACKSON, the names of the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Ohio (Mr. METZENBAUM), the Senator from Vermont (Mr. STAFFORD), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Montana (Mr. BAUCUS), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 2801, a bill to withdraw certain lands from mineral leasing, and for other purposes.

SENATE RESOLUTION 445

At the request of Mr. DOLE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Resolution 445, a resolution to express the sense of the Senate concerning consultations with the Government of the Socialist Republic of Romania with respect to facilitation of increased emigration and the encouragement of religious and cultural freedom.

AMENDMENTS SUBMITTED FOR PRINTING

DEBT LIMIT EXTENSION

AMENDMENT NO. 2029

(Ordered to be printed.)

Mr. BAKER (for himself, Mr. ROBERT C. BYRD, Mr. JOHNSTON, Mr. STAFFORD, Mr. HELMS, Mr. FORD, Mr. PROXMIRE, Mr. COHEN, Mr. CHILES, and Mr. THURMOND) proposed an amendment to the joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

AMENDMENT NO. 2030

(Ordered to be printed.)

Mr. DOLE (for himself and Mr. HARRY F. BYRD, JR.) proposed an amendment to the joint resolution, House Joint Resolution 520, supra.

AMENDMENT NO. 2031

(Ordered to be printed.)

Mr. HELMS proposed an amendment to the joint resolution, House Joint Resolution 520, supra.

BROADCASTING OF ACCURATE INFORMATION TO CUBA

AMEMDMENT NO. 2032

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill (H.R. 5427) to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, August 17, at 10 a.m., to continue the clean air markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, August 17, at 10 a.m., to consider S. 2562, the Federal Energy Reorganization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Monday, August 16, at 9 a.m., to consider S. 2818 and S. 2805, bills relating to timber sales.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, August 17, at 2 p.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 18, at 10 a.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, August 16, to consider S. 2784, the Major League Sports Community Protection Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, August 16, at 10:30 a.m., to consider the nomination of Robert John Hughes, of Massachusetts, to be an Assistant Secretary of State for Public Affairs, and William Schneider, of New York, to be Under Secretary of State for Security Assistance, Science, and Technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, August 16, at 2 p.m., to consider the nomination of James Malone Renschler, of Pennsylvania, to be Ambassador of the Republic of Malta.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, August 17, at 5:15 p.m., to receive a secret consultation by Secretary Shultz.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WILL IMPORTS AND GOVERNMENT REGULATION KILL THE U.S. TEXTILE INDUSTRY?

● Mr. HELMS. Mr. President, my good friend from Mount Airy, N.C., Mr. Jim Crossingham, President of Spencer's Inc., recently sent me a copy of an editorial from the Winston-Salem Journal. The editorial bears the title "The Textile Problem," but it could well be headed "Will Imports and Government Regulations Kill the U.S. Textile Industry?"

The American Textile Manufacturers Institute recently reported that despite a recession-hit market, textile and apparel imports are up 6 percent in the first 6 months of this year over 1981. Our textile trade deficit is headed for a record level. Domestic sales are down. Unemployment in the textile industry approaches 14 percent; in apparel, 16 percent. We have a crisis on our hands, Mr. President, and it is acute in my State, where more than 350,000 people depend on textiles or apparel for their livelihood.

American textile workers are the most productive in the world. But how are they to compete with the starvation wages paid workers in other countries? How can they compete against foreign manufacturers in countries with few or no expensive regulatory burdens?

Will imports and Government regulation kill the U.S. textile industry? I hope not, Mr. President. But I am not encouraged. I ask that this editorial be printed in the RECORD at the conclusion of my remarks. I hope my colleagues and anyone interested in the stability and future of the U.S. textile industry will take time to read it. It is a well-written, articulate, and concise statement of a very serious problem.

The editorial follows:

[From the Winston-Salem (N.C.) Journal, July 18, 1982]

THE TEXTILE PROBLEM

North Carolina has—by a wide margin—more textile workers than any other state in the union, more than 350,000 at last count. While it can be argued that the South in general and North Carolina in particular have not suffered as severely as other areas of the nation during the current economic disruption, a close look at the domestic textile industry picture is not a comforting one.

At the heart of the problem are imports and government regulation. To understand the seriousness of the situation, some history is necessary. During the past two decades, domestic production has not kept pace with consumption. There are fewer textile

companies in the United States, employing fewer workers, than there were 20 years ago. Their profits are low relative to other industries, and prices have not kept up with the general level of price increases.

The textile industry has been finding it more and more difficult to compete on an even footing with the textile industries in other countries, especially in the Far East. Fortunately for North Carolina, the textile mill products end of the industry hasn't been hit as hard as the labor-intensive apparel segment of the industry. North Carolina has more than 250,000 workers employed in the textile mill products part of the industry but only 88,000 in apparel. Nonetheless, competition shortcomings plague all areas of the industry.

Foreign governments tend to subsidize their textile industries. The United States tends to regulate its industry. Whatever else one wants to say about regulations governing such things as employee safety and the environment, they add significantly to the cost of doing business. The higher standard of living in the United States makes labor costs substantially higher here than in nations with which the American textile industry competes.

Despite these handicaps, the American textile industry could probably hold its own in many areas of the world textile market if free trade ruled. American technology remains dominant. But the U.S. government has a real stake in the prosperity of developing nations and has been reluctant to exercise its influence against protection measures that such nations impose against imports into their own markets.

Furthermore, the United States indirectly subsidizes the industries of such nations as Japan, South Korea and the Philippines by relieving them of substantial portions of their defense cost requirements—there are 46,000 U.S. soldiers in Japan, 39,000 in South Korea and 14,000 in the Philippines. That comes on top of direct aid totaling at least $12 billion since World War II to Japan, South Korea and Taiwan alone.

The basic document governing world textile trade is something called the Multifiber Arrangement, adopted in 1974 and extended last year until July 1, 1986. Under that agreement, nations may restrict textile imports through bilateral agreements, or where no such agreement can be reached, by unilateral action. The United States has some two dozen such agreements in effect. A major element of the Multifiber Arrangement prohibits the restraining of import growth in most apparel categories below 6 percent annually, regardless of the growth in domestic consumption. A flexibility provision allows unused portions of that minimum growth percentage to be carried over for as many as four years for some products, meaning that some imports have grown as much as 24 percent in a year when domestic consumption has grown only 1 or 2 percent.

President Reagan as a candidate agreed with the American industry's proposal that the Multifiber Arrangement be amended to tie import growth more closely to growth in domestic consumption, but so far, that has not been done. Textile imports have grown like Topsy.

Two decades ago, the textile industries in South Korea, Japan, Taiwan and Hong Kong were in their infancy. Apparel exports to the United States were more or less nonexistent. Today, those countries exports to the United States account for about a quarter of the total American market. During the 1970s, clothing imports increased 256 percent, to $3.7 billion. Other textile imports increased 36 percent, to $1.3 billion

The result of all this is simply a depressed domestic textile industry, especially in the apparel segment, with an inevitable increase in unemployment. That has a ripple effect in other industries that supply to or buy from the textile industry. Difficult if not impossible to measure, that effect is, economists generally agree, substantial. If the trend is allowed to continue, the United States could become dependent on imports for its textile needs. In a world as unstable as the current one, that is not a comfortable prospect.

There are no easy answers. U.S. economic objectives frequently collide with foreign policy goals and defense requirements. All are vital to the national interest. But recognizing the problems besetting the textile industry is the first step toward solving them. The taking of that step has been too tentative thus far. That step needs to be taken boldly—and now.●

SOVIET PIPELINE SANCTIONS

● Mr. PELL. Mr. President, last Friday I joined my colleague from New England, Senator PAUL TSONGAS of Massachusetts, as a cosponsor in introducing S. 2836, a bill to lift restrictions on exports and reexports of U.S. origin oil and gas goods and technical data to the Soviet Union. This bill in no way would weaken or affect controls on strategic technology or equipment which might strengthen the Soviets militarily, which I strongly support because these make sound national security and foreign policy sense.

Over the past several weeks, the Committee on Foreign Relations has held extensive hearings and briefings on the vulnerability of the Soviet economy to sanctions imposed by the West, and the effectiveness of such sanctions in altering Soviet domestic and international behavior. Obviously, the issue of the June 18 decision by the President to expand the sizes of sanctions already imposed a U.S. sale of equipment and technology destined for use in the construction of the Siberian pipeline as discussed at length. After listening to extensive testimony by a variety of experts in the field, I have come to the conclusion that the administration's decisions with respect to the imposition of sanctions have been seriously in error.

I have become convinced that the United States, acting unilaterally, cannot be effective in influencing Soviet behavior in a positive way. Quite to the contrary, I believe that the President's recent decision to expand sanctions on the sale of oil- and gas-related equipment and technology has only succeeded in driving a serious wedge between the United States and our most critical allies. This has given the Soviets a wonderful propaganda weapon to wield against us in Europe in attempting to convince the Europeans that the United States is insensitive to European interests, and that the real threat to world peace is the United States, and not the Soviet Union.

Were the Soviets to be seriously affected by the unilateral actions which the administration has taken, and Soviet policymakers did in fact alter their decisions with respect to Poland or Afghanistan, then perhaps the domestic cost to American business and labor as well as the political capital expended with our allies might be worth the price. Sadly that appears not to be the case. Most experts agree that at best pipeline construction will be slowed by up to 2 years, but more likely by 6 months to 1 year. However even this construction delay will not stop the Soviets from meeting the deadline to sell gas to Europe by 1984.

Therefore, to ask one segment of the American business community to bear the cost of these sanctions which has been conservatively estimated at $1.5 billion by the administration seems patently unfair. We have tied the hands of U.S. exporters in their attempts to compete abroad, while their European and Japanese counterparts are free to take over what were formerly U.S. markets. How can the administration explain to those in the oil and gas equipment sector why they must not trade with the Soviets, at the same time that the administration has given the go ahead to the sale of U.S. grain which will assist the Soviets with their harvest shortfall? I think the answer is that there is no justification for these decisions.

Given these facts, the administration's decisions with respect to sanctions make little domestic or foreign policy sense. I therefore hope that the President, too, will come to realize the folly of continuing sanctions, and lift these restrictions in the near future. If not, then I urge my colleagues to support the efforts of Senator TSONGAS and myself to correct this mistaken foreign policy decision, and to reverse the unfair burden currently being imposed on certain segments of the U.S. economy.●

HENRY FONDA

● Mr. BAUCUS. Mr. President, a friend of mine and three generations of Americans died last week.

Most of us cannot remember a time when Henry Fonda was not entertaining and inspiring millions with his remarkable talent.

His exceptional acting ability, however, was by no means his most remarkable characteristic. Henry Fonda's integrity, honesty, and quiet courage in real life were his greatest attributes.

Many people believe that because he was such a natural and gifted actor, whose roles were often heroic, his fans just assumed he was that way in real life.

Those of us who knew Henry understood that it was the other way around. It was the honesty, thoughtfulness, and intelligence of Henry Fonda the man that was transferred into his acting. It was Henry Fonda the man that captured the hearts of Americans.

If there is ever to be an award for being fair and decent and honest and caring it will surely be called the Henry Fonda award. And fortunately, because of the magic of film, Americans for a long, long time will have the opportunity and the privilege of knowing Henry Fonda, and this great man will continue to mold and influence American ideals. In life and in film, he was what we all want to be and what we all hope America is.●

TRIBUTE TO FORMER SENATOR THRUSTON B. MORTON

● Mr. FORD. Mr. President, funeral services were held in Louisville today for former Kentucky Senator Thruston Ballard Morton, who died Saturday at the age of 74.

Thruston Morton, who represented Kentucky in the Senate from 1957–68, dedicated the greater part of his life to public service. He served three terms in the U.S. House of Representatives, was an Assistant Secretary of State in the Eisenhower administration, and was chairman of the Republican National Committee.

Perhaps the word "action" best fits Thruston Morton. He was a public official, corporate director, navy officer, and much more.

He was born in 1907 in the tradition of public service. His grandfather, S. Thruston Ballard, served as Kentucky's Lieutenant Governor. Through the years, Senator Morton carried on that family tradition with great honor and distinction.

He will be remembered as a leader and a man of integrity. He will be remembered as a statesman and a man who kept his word. He strongly believed in the existence of the two-party system, and he knew that it was essential to our form of government.

His contributions were important and many. His loss is a great one to our country and the people he served so well and so long in the Commonwealth of Kentucky.

An editorial in The Courier-Journal on Sunday, August 15, summed up Senator Morton's career this way: He served his State and Nation well. It is a fitting epitaph, and I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the Courier-Journal, Louisville, Ky., Aug. 15, 1982]

THRUSTON MORTON: HE SERVED HIS STATE AND NATION WELL

Kentucky has been fortunate over the years to have some strong and respected representatives in Washington. Thruston Ballard Morton, who died yesterday at 74, was for a long time one of them.

He was from the sort of family in which public service came naturally. His grandfather was a lieutenant governor of Kentucky. His brother was a U.S. congressman, Secretary of the Interior and chairman of the Republican National Committee. It was no surprise when Thruston Morton, after four years of duty aboard a minesweeper in the Pacific during world War II, ran for the U.S. House in 1946 rather than return to running the family flour-milling business.

Others were making the same jump into politics and government that year, including another Navy veteran who joined the same "Class of '46" in Congress: California's Richard Nixon.

Mr. Morton served three terms in the House, then three years as an assistant Secretary of State. In 1957 he ran for the Senate, won in an upset by unseating Earle C. Clements, and remained for two six-year terms. The second one followed a hard-fought defeat of Democrat Wilson Wyatt in 1962—a race that included dirty tactics. He later said apologetically:

"It was a helluva campaign and I'm glad I don't have to go through that again. We made the ADA [Americans for Democratic Action] a dirty word. It could have been the American Dairy Association, but the people thought it was communist."

"In this game," he said of such tactics, "you've got to hit. . . . [But] we did a lot of things that made my sensitive family unhappy."

Thruston Morton was generally allied with the more liberal wing of the Republican Party. He had a warm relationship with Dwight Eisenhower, whom he supported for the presidential nomination in 1952 against the almost solid backing of the Kentucky delegation for Robert Taft. In 1960 he was GOP national chairman.

During his years in Washington, Mr. Morton was a popular and genial figure. The press corps especially liked him, finding him frank, open and humorous. It was generally agreed that he could have remained in the Senate for many years, but he decided instead, after 12 years, to return to his home state, where his roots were deep.

Thruston Morton obviously was a successful politician. He could be tough-minded and positive on issues. But there was another side of his nature, less often observed in public life but known to those who were close to him. He was sensitive, idealistic and given to strong loyalties and friendships. His sense of humor was at times whimsical. He never lost the manner of a Kentucky gentleman in the hurly-burly of politics. His death is a sorrow to a wide and varied circle of friends.●

THRUSTON BALLARD MORTON

● Mr. HUDDLESTON. Mr. President, the Commonwealth of Kentucky has a tradition of sending its native sons to Washington to serve not only the interests of Kentucky, but the interests of the Nation as a whole. Thruston Ballard Morton was certainly one of these.

Over the course of a public and business career that spanned almost literally his entire 74 years, Thruston Morton was a sparkling part of that tradition. No matter what one's politics, one had to respect Morton's integrity, his devotion to service to his country, his State, his city, and his political party.

He was a Republican Senator from a predominantly Democratic State, he took stands on issues that were sometimes less than popular, but whatever his politics or his position, the one thing you could count on was that Thruston Morton did what he believed was right.

Mr. President, the Louisville Courier-Journal on Sunday, August 15, printed an excellent article on Thruston Morton's career, and I ask that it be printed in the RECORD as a testament to the 6 years he spent in the House of Representatives and the 12 years he spent in this great body.

The article follows:

[From the Louisville Courier-Journal, Aug. 15, 1982]

FORMER GOP POWER THRUSTON MORTON DIES

TOUGH LEADER PUSHED PARTY IN DIRECTION OF MODERATION

(By Bob Johnson)

Thruston Ballard Morton, the urbane Kentuckian who served in both houses of Congress, in the U.S. State Department and as Republican national chairman, died of cancer early yesterday at his Louisville home. He was 74.

Morton, who returned to Louisville after his retirement from the U.S. Senate in 1968, had been in poor health for several years.

Belle Clay Lyons Morton, his wife of 51 years, survives.

The funeral will be at 11:30 a.m. tomorrow at Christ Church Cathedral, 421 S. Second St., with a private burial in Cave Hill Cemetery.

Known as a thoughtful advocate of moderate policies during his 22 years in national politics, Morton was also a tough-talking republican partisan.

He was of that generation of American leaders whose careers were shaped in part by World War II and the conflicts that followed.

Morton entered politics in 1946, after serving as a Navy officer in the Pacific. Elected that year to the U.S. House from Jefferson County, which then formed the 3rd District, he promised to seek "a world policy for peace, not a foreign policy for war."

He went on to serve three terms in the House and two in the Senate.

When he retired from the Senate, the country was bitterly divided over the stalemate in Vietnam. Morton urged ending that war and dealing with a changing communist world in ways that might lead to peace.

"I hate communism," he told an interviewer. "But I think that if the Russians and ourselves could sit down together like grown men, and say we're going to stop wars, why, we could do it."

While he could be a bare-knuckle campaigner, Morton also counseled moderation within the Republican Party.

He alone among the Kentucky delegates to the 1952 Republican National Convention supported the nomination of Gen. Dwight D. Eisenhower. The others wanted the more conservative Robert Taft of Ohio.

In 1964, after the GOP nominated Sen. Barry Goldwater of Arizona, Morton publicly warned the party against aligning itself with extremists and Southern segregation-

ists. He spoke with the authority of a former national party chairman, as permanent chairman of the 1964 convention and as a man Richard Nixon had considered as a possible running mate in 1960.

When asked to assess his career, Morton once said, "I haven't done too much. I think if I've accomplished anything, it's been in trying to give one of the two great parties a sense of being in 1968—not 1868."

"I do think I've had some influence getting them out of the last century."

Former Kentucky Sen. John Sherman Cooper, who served with Morton for 12 years in the Senate, said in a recent interview that Morton was "a very exceptional man of a quality you just don't see all the time."

Marlow W. Cook, who succeeded Morton in the Senate, said, "He was just a guy you have to love."

Cook, who practices law in Washington, said he got his first political experience during Morton's 1946 congressional campaign. Later, as Cook and a new generation of Republicans began their careers, Morton helped.

"If you wanted his advice, it was there. If you wanted him to come, he was there," Cook said.

Kentucky's Republican National Committeeman Larry Forgy said that, during the years Morton and Cooper served together in the Senate, it was "generally conceded in Washington" that Kentucky had two of the most effective senators in the Capitol. He also credited Cooper and Morton with building Kentucky into a two-party state.

Morton was born at Glenview on Aug. 19, 1907, the son of Dr. David Cummins Morton and Mary Ballard Morton, a family long-prominent in Louisville's business and political life.

Morton attended public schools in Louisville, including Male High School, and Woodberry Forest School at Orange, Va. He graduated from Yale in 1929.

A younger brother, Rogers C. B. Morton, who died in April 1979, also served in Congress as a representative from Maryland, as Republican national chairman and as a Cabinet officer under Presidents Nixon and Gerald Ford.

A seventh-generation Kentuckian, Thruston Morton traced his interest in public affairs to the influence of his grandfather, S. Thruston Ballard, whom President Woodrow Wilson chose to serve on a federal commission in 1914.

Morton, then 7, went to Washington with his grandfather and could recall Ballard's conversations with other members of the commission, including Samuel Gompers, one of the founders of the American labor movement.

In 1919, Ballard was elected lieutenant governor of Kentucky, and young Thruston tagged along to Frankfort as a page in the General Assembly.

Morton was nearly 40 when he won his first race for Congress. He was elected three times before deciding in 1952 that he would work for the Republican national ticket rather than seek another term.

While Morton had intended to return to Louisville and his business career after the campaign, Eisenhower's secretary of state, John Foster Dulles, persuaded him to become assistant secretary of state for congressional affairs—the department's top lobbyist on Capitol Hill.

Morton would later say that his one regret in public life was his decision to leave the House of Representatives. "I love the House. It's a much more responsive body, much more interesting. Among 435 guys, you find much more camaraderie, more guys you like," he said.

He also observed that, had he stayed in the House, he almost certainly would have risen to a leadership position. But he was persuaded to run for the Senate in 1956.

Eisenhower was seeking a second term, Cooper was running for the balance of the term of Sen. Alben W. Barkley, who had died suddenly, and the Republicans needed someone to run against Sen. Earle Clements, a former governor and one of the most powerful Democrats in Washington.

At Eisenhower's urging Morton made his first statewide race. Many considered it a hopeless assignment.

"When I ran against Clements in '56, they just tore me apart on agriculture. Hell, my idea of an agriculture problem was a window box. I'd been voting (in the House) for the consumer, not the farmer. Coal? What did I know about coal? It was hard running in a state like Kentucky with all the different interests."

Thanks to Eisenhower's coattails and a bitter split among the Democrats, Morton beat Clements by 6,981 votes. Cooper also won, giving the GOP both Senate seats from a heavily Democratic state.

Reached yesterday at his home in Morganfield, Clements described Morton as "a great friend. Personally, I was very fond of Thruston."

Morton won a second term in 1962 by a more comfortable margin—45,000 votes—in a bitter campaign against Lt. Gov. Wilson W. Wyatt. Behind in his own polls, Morton's campaign painted Wyatt and the liberal Americans for Democratic Action, which he had helped found, with a red brush.

"It was a helluva campaign, and I'm glad I don't have to go through that again," he said in an interview. "We made the ADA an ugly word. It could have been the American Dairy Association, but the people thought it was communist."

Morton acknowledged that the attacks on Wyatt, a prominent Louisville attorney, upset the Democrat's family. But from the perspective of a political realist, they were necessary.

"In this game, you've got to hit. I've made a lot of rough statements. But if you don't say it strongly, you wind up in the want ads. If you don't say something that will make the editor put it on the front page, hell, there's no use in saying it."

In the wake of the 1964 presidential campaign, Morton made another of his tough statements, this one aimed at right-wing extremists. The John Birch Society, an extremist group, deserved "a kick in the pants," he said.

His remarks had enormous impact. Other Republicans disowned extremist groups and their influence declined.

"We got buckets of mail from all over calling me a SOB," Morton said. "I really caught hell, but I knocked hell out of the Birch Society."

Morton's rise to leadership within the party had begun in 1959, when Eisenhower tapped him to become Republican national chairman. A number of Republicans opposed Morton because there was little in his background to suggest he could handle the job.

A year later, The New York Times wrote: "But he has so charmed and converted his critics . . . that many now regard him as among the ablest and most efficient chairmen the party has had."

The party was gearing up for the 1960 presidential election, with Nixon, then vice president, the obvious nominee at the Chicago convention. But the GOP's competing wings were engaged in a tug-of-war for control of the party, with Goldwater's supporters pulling from the right and backers of New York Gov. Nelson Rockefeller pulling from the left.

Morton skillfully guided the party through the shoals and, according to Nixon's memoirs, was under serious consideration for the vice presidential nomination.

But Nixon chose Henry Cabot Lodge of Massachusetts in the hope of strengthening the ticket in the East. Nixon narrowly lost the election to Sen. John F. Kennedy of Massachusetts, leaving some to speculate that Morton would have made a better running mate than the aristocratic Lodge.

While he was an effective campaigner, Morton was ever the Yale-educated business executive. A reporter covering a campaign trip to Harlan marveled that he would wear tasseled-loafers and French cuffs.

Cooper, in a recent Washington interview, suggested that Morton was effective because he didn't try to patronize rural audiences. "They just accepted him as a city fellow," he said.

In his speeches to Kentucky political groups, Morton would spin stories about the burdens of running in a predominantly Democratic state.

One told of how he and his brother Rogers Morton, in the hectic closing days of a statewide race, decided to divide the handshaking in a small Kentucky town.

Rogers Morton, who, at 6-foot-7, was four inches taller than Thruston Morton, was to tell prospective voters only that his name was Morton and that he was running for the Senate.

As Thruston Morton told it, he shook hands with a man who later ran into his brother. As Rogers Morton offered his hand, the man looked up at him skeptically and said "You sure are a growin' SOB."

Morton also liked to tell of a campaign stop in Fulton, where the Kentucky-Tennessee state line splits the town. He and Cooper worked the town together and learned later, to their chagrin, that Cooper had spent the day on the Tennessee side of the line.

In Washington, Morton was known more for his concern about international affairs than as an advocate of his state's parochial interests. His voting record was rated "moderate to conservative" by Congressional Quarterly, the respected digest of congressional affairs.

When asked if he considered himself a liberal or conservative, Morton liked to reply that he was "two degrees to the left of center."

His decision to retire from the Senate, announced without fanfare at a Louisville news conference in February 1968, came as a surprise.

Although his chances of re-election were excellent, Morton was tired of Washington. Approaching his 61st birthday, he declared, "To use an old Kentucky expression, I suppose I am just plain track sore."

Cook, then Jefferson County judge, won the seat, and Morton—his career in Washington at an end—returned to Louisville and the business community that he had left in 1946.

Before entering politics, he had served as president and board chairman of Ballard and Ballard Co., the family flour-milling business.

After his retirement from the Senate, Morton served as vice chairman of Liberty National Bank & Trust Co. and as chairman of Churchill Downs Inc.

He took the assignment at the Downs in 1969 after the track had fended off a hostile tender offer from National Industries Inc. Later, he helped get a law passed establishing a state authority that would buy the Downs if it were ever faced with another take-over bid. He also served as president of the American Horse Council, a trade association that promotes the horse industry.

With his 1962 Senate rival, Wilson Wyatt, Morton sponsored a proposal to consolidate Louisville and Jefferson County governments, but the "Morton-Wyatt Plan" failed in the 1970 General Assembly.

He also assumed the leadership of a task force appointed by the Louisville Chamber of Commerce to promote the development of an international airport, a project that was later dropped.

Morton and Cooper teamed up in 1976 to work for then-President Ford's election. In 1980, campaigning for Ronald Reagan, Morton and Cooper made their last appearances together. Cooper said Morton was ill at that time and "showed great courage."

Morton was also director of a number of major companies: United States Trust Co., Cochran Foil Co., Brown Forman Distillers Inc., R. J. Reynolds Industries, the Pillsbury Co., the Pittston Co., and Texas Gas Transmission Corp.

During his five years in the Navy, Morton held three commands in the Pacific, including the destroyer USS Doyle. He retired from the naval reserve with the rank of commander

Besides his wife, survivors include two sons, Thruston Ballard Morton Jr., vice chairman of Cosmos Broadcasting Corp., and Clay Lyons Morton, a Louisville attorney; a sister, Mrs. Jane Morton Norton; and five grandchildren.

Visitation will be at Morton's residence at 5815 Round Hill Road from 2 to 7 p.m. today.

Pearson's, 149 Breckenridge Lane, is in charge of arrangements.

The family requests that expressions of sympathy take the form of contributions to the J. Graham Brown Cancer Research Center or to charity.●

S. 1844, COAL DISTRIBUTION AND UTILIZATION ACT OF 1982

● Mr. BAUCUS. Mr. President, in a few weeks, the Senate will likely begin consideration of S. 1844, the Coal Distribution and Utilization Act of 1982, or the so-called coal slurry bill.

This bill would grant the power of Federal eminent domain for the construction of coal slurry lines nationwide. I have serious reservations about the bill, particularly as it relates to protection of State rights and impacts on water supplies. I intend to fully express my reservations on these grounds when the Senate begins consideration of the bill.

There is another issue, however, which I believe all Senators should keep in mind: the economics of coal slurry.

On August 6, 1982, Mr. Thomas E. Dewey, Jr., president, Thomas E. Dewey, Jr. & Co. of New York, testified on the economics of coal slurry before the House Subcommittee on Commerce Transportation, and Tourism. I believe every Senator should take the time to read Mr. Dewey's cogent remarks.

Mr. Dewey points out the "suspiciously little has been advanced to document the assertion that these pipelines, if built, will transport coal more cheaply than the Nation's railroads." To document this point, he looks at the proposed Energy Transportation System, Inc. line. Assuming the project is built within the new estimated cost of $3.5 billion—and that is highly unlikely—the cost to consumers would be between $35 and $53 per ton to transport the coal. A comparable cost for coal transported by railroad is $12 to $22 per ton.

Even more interesting, Mr. Dewey expresses skepticism that investors can be found for the projects, and that it can be built within the proposed budget of $3.5 billion. This causes Mr. Dewey to conclude that this legislation could lead to some form of Federal Government guarantees to make up for "the requirement for equity capital, lower the cost of debt capital and eliminate the problem of cost overruns * * *." Mr. Dewey believes, and I am convinced he may be correct, that this legislation could lead to the Federal Government writing a blank check to pipelines in the future. Certainly our recent experience with the Alaska natural gas pipeline shows this can happen.

Mr. President, I ask that Mr. Dewey's testimony be included at this point in the RECORD.

The statement follows:

STATEMENT OF THOMAS E. DEWEY, JR.

Mr. Chairman, my name is Thomas E. Dewey, Jr., and my business address is 14 Wall Street, New York, N.Y. I appreciate your invitation to testify here today, as well as your having introduced into the CONGRESSIONAL RECORD my testimony of May 10, 1982, before the Senate Committee on Energy and Natural Resources.

I am a graduate of Princeton University and Harvard Business School, and am President of Thomas E. Dewey, Jr. & Co., Incorporated, a financial advisory services firm founded in December 1975.

Prior to that I was a partner of the international investment banking firm of Kuhn Loeb & Co. from 1965 through 1975 and associated with that firm from 1958 to 1965. My career has covered most phases of industrial, transportation and utility corporate finance, both in the United States and abroad. I have appeared as an expert witness before numerous courts, regulatory bodies and the U.S. Congress.

I am retained as financial consultant by Kansas City Southern Industries, Inc., parent company of the Kansas City Southern Railway Company. I am testifying in their behalf here today on the financial aspects and implications of coal slurry pipelines.

Over the years the proponents of coal slurry pipelines have been seeking federal eminent domain legislation, mountains of testimony have been introduced, but suspiciously little has been advanced to document the assertion that these pipelines, if built, will transport coal more cheaply than the nation's railroads. It is this subject that I intend to discuss in my testimony today.

Short of a full-scale consulting study, it is impossible to examine the economics of all the coal slurry pipelines which have been proposed. Of all the candidates, the one which is farthest advanced is that proposed by Energy Transportation Systems, Inc. (ETSI). It is also among the longest, and thus presumably one of the most cost effective, and it is upon this pipeline that I will focus. My methodology and estimates of interest costs and equity returns can, of course, be equally applied to other proposed pipelines once their length and estimated construction costs are known.

The present official cost estimate for the ETSI pipeline has been given as approximately $3.5-billion, although of course no one knows how much the final cost would be. Recent cost estimating experience with giant construction projects has been very poor, and investors will not soon forget the Alaska pipeline, where the final cost was approximately eight times the original estimate, or the nuclear power plant programs of Washington Public Power Supply System, where cost overruns were so large that the assembled credit base was insufficient to permit completion of the five power plants, at least two of which have now been abandoned.

Nonetheless, we should start with the estimated construction cost and develop our analysis, later to see what conclusions follow as regards competitive efficiency and financeability.

The first step in postulating a financing plan is to estimate what portion of the financing can be financed through the issuance of debt securities and what portion by means of equity securities. Assuming satisfactory credit, large projects such as this are generally financed mostly by debt. Taking into account the factors present in this situation, I would set 70 percent as the maximum debt financing, with the remaining 30 percent required as equity. The $2.45-billion of debt financing will most likely be arranged through private placement with institutional investors, which will not be easy in today's climate, not just because of the size of the issue, but also because traditional sources of private placement financing have become increasingly unwilling to make long-term fixed rate investments in our present inflationary climate. I would therefore be surprised to see a maturity of more than 20 years for this security and I am estimating that an interest rate of 17 percent would be necessary to accomplish the financing. Assuming an annual sinking fund, on a level debt service basis this would require $435-million annually to service the debt.

It is much harder to determine what might be the minimum equity return necessary to attract $1.05-billion. On the one hand, the sponsors of the project, who have other rewards in mind, may be willing to make a substantial investment at a concessionary rate. Arms-length investors, however, will be hard to come by, as the nature of regulation will only allow them to earn up to a stated ceiling, and then only to the extent that they have a net investment in the project. Thus, the idea of getting their money back and still being able to have earnings cannot work in this instance. I have assumed for calculation purposes a blended equity return of 20 percent, figur-

ing that the sponsors will take less and arms-length investors will require more. Again assuming annual payments, including repayment of the original equity, this would require payments to equity owners annually of $216-million.

To the cost of debt and equity must be added sufficient revenues to pay income taxes, as the return to equity owners and repayment of principal of the debt must be earned after taxes. Depreciation, a non-cash charge, is an offset. Assuming straight line depreciation, income taxes for the first year would be $60-million, and in the twentieth year taxes would have escalated to $413-million. Thus the revenues required just to service the capital employed in this pipeline project would rise from $711-million in the first year to $1,064-million in the twentieth year. Assuming constant 100 percent utilization of the pipeline, a highly unrealistic assumption, the capital charge for the 37.5-million tons of annual through-put would rise from approximately $19 per ton in the first year to more than $28 per ton in the twentieth year. Assuming a more reasonable 80 percent utilization of capacity or 30-million tons of annual throughput, the capital cost charge would rise from almost $24 per ton in the first year to more than $35 per ton in the twentieth year.

Capital costs, of course, are not the only costs involved in operating a pipeline. There is labor, insurance, administrative expenses, and of course the cost of water, a very important item. In addition, this particular pipeline will have an added cost, as presently envisaged, of building and operating a water pipeline some 275 miles in length to bring water to the input point of the slurry line. Estimating costs such as these is not within my area of expertise, but I know that some experts feel that capital costs of a coal slurry pipeline should prove to be approximately two-thirds of total cost. In that the figure I am using for capital costs is for the slurry line only and does not include the capital cost of the water line, my extrapolation will therefore probably tend to underestimate total annual costs. Nonetheless, if the above capital cost charges per ton were to equal two-thirds of total cost, total cost per ton at 100 percent of capacity would rise from more than $28 in the first year to more than $42 in the twentieth year, and at 80 percent of capacity would rise from more than $35 per ton in the first year to more than $53 per ton in the twentieth year. Recent railroad tonnage charges for unit trains from the Powder River Basin to the ETSI destination area available to me vary from approximately $12 to more than $22 per ton.

All these numbers are of course constructed on the assumption that, unlike virtually every other giant construction project in modern times, the ETSI pipeline will not exceed its current estimated costs. (It should be pointed out here that as recently as 1979 ETSI's cost estimate for this project was $1.25-billion.) Any cost overruns will of course have to be financed, and firm "hell or high water" contracts against which such financing is to be done will have to be totally open-ended in this regard unless the sponsors can provide some other means of assuring investors that, once begun, the project will be finished and become operational.

There exists a serious question as to whether prospective contracting utilities in the delivery area will have sufficient demand to justify contracting for 37.5-million tons of slurry annually. It is my understanding that ETSI has long planned to have a portion of the slurry available for export and for sale to non-contract purchasers in the delivery area. However, as export and non-contract arrangements do not provide a basis for credit, the contracting utilities would thus wind up with the entire capital charge liability and contingent liability for cost overruns, only spread over a smaller tonnage. The liability of contracting utilities, thus, would on a per ton basis escalate proportionately from the numbers arrived at above.

Even assuming that one or more utilities will be willing to enter into contracts which can provide the basis for this massive financing, there are obvious public policy questions involved in permitting such contracts. Any such contract of necessity takes out of the hands of state public service commissions the continuing overview of the prices to be paid by the utilities for fuel, their largest element of cost after money. Further, the open-ended and inflexibile nature of the obligation could well produce a situation where the utilities, and thus their ratepayers, would be paying more, and perhaps substantially more, for coal than coal could be purchased for elsewhere. The slurry would also have to be paid for whether it was delivered or not.

The above and other factors instill in me a fear that the right of federal eminent domain is only the first half of the eventual shopping list of the sponsors of coal slurry pipeline projects. U.S. government guarantees of debt financing for these pipelines would eliminate the requirement for equity capital, lower the cost of debt capital and eliminate the problem of cost overruns, as the blank check of the taxpayers would be involved. I don't know if any meaningful discussions on this subject have taken place during these or other hearings on this subject, but I find it hard to believe that the Congress would look favorably on putting the taxpayers' credit behind projects whose costs are unknown, economics are dubious, and the demand for whose product is yet to be proved.

Mr. Chairman, I urge the Committee to have developed for it an analysis in depth of the financing plans and economic competitiveness of these pipelines before acting on the bill which is before you.

I appreciate having had this opportunity to testify and will be happy to answer any questions your Members might have.●

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW AND ORDER OF PROCEDURE TOMORROW

Mr. BAKER. Mr. President, this request has been cleared, I believe with the minority leader, and I will state it now for the consideration of the Senate.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. tomorrow; and that on the convening of the Senate the reading of the Journal be dispensed with, that no resolutions come over under the rule, and that the call of the calendar be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS CHILES AND TOWER ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order on tomorrow that the distinguished Senators from Florida and Texas, Messrs. CHILES and TOWER, be recognized on special order, in each case for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the execution of the special orders, any time remaining prior to the hour of 10 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTES BEGIN AT 10 A.M. TOMORROW

Mr. BAKER. Mr. President, at 10 a.m. on tomorrow, according to the order previously entered, the Senate will resume consideration of the immigration bill, at which time 10 votes have been ordered to occur beginning at that hour, the first vote to be 15 minutes in length and each succeeding vote to be 10 minutes each.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I see no other Senators seeking recognition in morning business. Could I inquire of the minority leader if he has any other business he wishes to transact?

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader. I have no other business.

Mr. BAKER. I thank the minority leader.

Would the Chair inquire as to whether there is further morning business?

The PRESIDING OFFICER. Is there further morning business? No one appears to seek recognition. Morning business is closed.

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in adjournment until the hour of 9 a.m. tomorrow.

The motion was agreed to; and, at 4:47 p.m., the Senate adjourned until Tuesday, August 17, 1982, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 16, 1982:

U.S. SYNTHETIC FUELS CORPORATION

Milton M. Masson, Jr., of Arizona, to be a Member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 1 year.

John B. Carter, Jr., of Texas, to be a Member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 2 years.

DEPARTMENT OF STATE

Robert H. Phinny, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Richard H. Ellis, of Virginia, for the rank of Ambassador during the tenure of his service as the U.S. Commissioner on the United States-U.S.S.R. Consultative Commission.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

SECURITIES INVESTOR PROTECTION CORPORATION

Ralph D. DeNunzio, of Connecticut, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1982.

David F. Goldberg, of Illinois, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1984.

Roger A. Yurchuck, of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1984.

THE JUDICIARY

Mary Ann Cohen, of California, to be a Judge of the U.S. Tax Court for a term expiring 15 years after she takes office.

Lapsley Walker Hamblen, Jr., of Virginia, to be a Judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

HOUSE OF REPRESENTATIVES—*Monday, August 16, 1982*

The House met at 12 o' clock noon, and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE)

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
August 13, 1982.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Monday, August 16, 1982.

THOMAS P. O'NEILL, Jr.
Speaker of the House of Representatives.

PRAYER

The former Chaplain of the U.S. House of Representatives, the Reverend Edward G. Latch D.D., L.H.D., offered the following prayer:

Thou shalt keep the Commandments of the Lord Thy God, to walk in His ways and to fear Him.— Deuteronomy 8: 6.

Almighty God, our Father, in whose hands are all our days and all our ways, we thank Thee that in Thy mercy we have come to the beginning of another week. Help us to show our gratitude by serving Thee more faithfully and by being more fruitful in our endeavors on behalf of our beloved country.

Grant to our President, our Speaker, our Representatives, and all who work with them the wisdom to know Thy will and the strength to do it day by day. Direct their deliberations, prosper their planning, motivate their minds as they labor for the good of our country that truth and justice, peace, and good will may be established among us now and come to dwell in the lives of all people: to the glory of Thy holy name and the good of all mankind. Amen and amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 6033. An act relating to the preservation of the historic Congressional Cemetery in the District of Columbia for the inspiration and benefit of the people of the United States.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6530) entitled "An act to establish the Mount St. Helens National Volcanic Area, and for other purposes."

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1468. An act to provide for the designation of the Burns Paiute Indian Tribe as the beneficiary of a public domain allotment, and to provide that all future similarly situated lands in Harney County, Oreg., will be held in trust by the United States for the benefit of the Burns Paiute Indian Colony;

S. 2059. An act to change the coverage of officials and the standards for the appointment of a special prosecutor in the special prosecutor provisions of the Ethics in Government Act of 1978, and for other purposes;

S. 2625. An act to amend the Federal Property and Administrative Services Act of 1949 to make Federal surplus property more accessible to local emergency preparedness and volunteer firefighting organizations and to authorize and direct the Federal Emergency Management Agency to recommend available Federal surplus to the Administrator of the General Services Administration for transfer to such organizations, and for other purposes; and

S.J. Res. 188. Joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day."

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

SUPREME COURT POLICE

The Clerk called the bill (H.R. 6204) to amend title 28 of the United States Code and related statutes with respect to the appointment and jurisdiction of the Supreme Court Police.

There being no objection, the Clerk read the bill as follows:

H.R. 6204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 672(b) of title 28, United States Code, is amended to read as follows:

"(b) The Marshal may, with the approval of the Chief Justice of the United States, appoint and fix the compensation of necessary assistants and employees to attend the Court, employees to serve as Supreme Court Police, and necessary custodial employees.".

SEC. 2. Section 672(c) of title 28, United States Code, is amended by changing the period at the end of paragraph (7) thereof to a semicolon and by adding the following new paragraphs:

"(8) Oversee the work of those employees appointed in the capacity of Supreme Court Police, who shall serve as law enforcement officers to police the Supreme Court building, grounds, and adjacent streets, and to protect the Chief Justice, Associate Justices, the officers and employees, guests, and property of the Court and shall be authorized to bear arms and to make arrests in such capacity; and

"(9) Prescribe such regulations, approved by the Chief Justice and consistent with sections 2 through 6 of the Act of August 18, 1949, chapter 479, 63 Stat. 616 (40 U.S.C. 13g–13k), as may be necessary for the adequate protection of the Supreme Court building, grounds, persons and property, and for the maintenance of suitable order and decorum, which regulations shall be posted in a public place at the Supreme Court building and copies of which shall be made reasonably available to the public.".

SEC. 3. Section 1 of the Act of August 18, 1949, chapter 479, 63 Stat. 616 (40 U.S.C. 13f) is amended by striking all language following the word "may" and substituting therefor, "appoint employees to serve as Supreme Court Police, for duty as law enforcement officers in policing the Supreme Court building, grounds, and adjacent streets, and in protecting the Chief Justice, Associate Justices, officers and employees, guests and property of the Court.

SEC. 4. Section 7 of the Act of August 18, 1949, chapter 479, 663 Stat. 617 (40 U.S.C. 131) is repealed and sections 8 through 11 of that Act (40 U.S.C. 13m–13p) are redesignated as sections 7 through 10 respectively.

SEC. 5. Section 8 of the Act of August 18, 1949, chapter 479, 63 Stat. 617 (40 U.S.C. 13m), redesignated by section 4 of this Act as section 7 of the Act (40 U.S.C. 131), is amended to read as follows:

"Whoever violates any provision of sections 2 through 6, inclusive, of this Act, or of any regulation prescribed under section 672(c)(9) of title 28, shall be fined not more than $100 or imprisoned not more than sixty days, or both, prosecution for such offenses to be had in the courts for the District of Columbia, upon information by the United States attorney or any of his assistants: In any case where, in the commission of any such offense, public property is damaged in an amount exceeding $100, the period of imprisonment for the offense may be not more than five years."

SEC. 6. Section 9 of the Act of August 18, 1949, chapter 479, 63 Stat. 617 (40 U.S.C. 13n), as subsequently amended and as redesignated by section 4 of this Act is further amended to read as follows:

"The Marshal and the Supreme Court Police provided for by section 672(c)(8) of title 28, United States Code, and by section 1 of this Act shall have the authority as law enforcement officers to bear arms while within or outside the boundaries of the Supreme Court building, grounds, and adjacent streets in such a manner and at such times as the Marshal may by regulation prescribe. They shall have the power to enforce and to make arrests for the violation of sections 2 through 6, inclusive, of this Act, any law of the United States, the District of Columbia, or any State, and any regulation prescribed by the Marshal of the Supreme Court under section 672(c)(9) of title 28, United States Code. The Metropolitan Police of the District of Columbia shall have concurrent jurisdiction with the Supreme Court Police to patrol the Supreme Court building and grounds, and to make arrests therein, when requested to do so by the Marshal of the Supreme Court or his duly authorized assistants. Such authority shall not be construed to empower the Metropolitan Police to enter the Supreme Court building and grounds unless the Marshal of the Supreme Court or his assistants have requested or consented to such entry."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

H.R. 6204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13f), is amended—

(1) by striking out "special policemen" and inserting in lieu thereof "members of the Supreme Court Police"; and

(2) by striking out ", for duty" and all that follows through "adjacent streets".

(b) Subsection (b) of section 7 of such Act (40 U.S.C. 13l(b)) is amended by striking out "promulgated under" and all that follows through the end of the subsection and inserting in lieu thereof "prescribed under this section shall be posted in a public place at the Supreme Court Building and shall be made reasonably available to the public in writing.".

(c)(1) Section 9 of such Act (40 U.S.C. 13n) is amended by striking out "SEC. 9. The special" and all that follows through ": *Provided,* That the Metropolitan Police force of the District of Columbia" and inserting in lieu thereof the following:

"SEC. 9. (a) The Marshal of the Supreme Court and the Supreme Court Police shall have authority, in accordance with regulations prescribed by the Marshal and approved by the Chief Justice of the United States—

"(1) to police the Supreme Court Building and grounds, and adjacent streets for the purpose of protecting persons and property;

"(2) in any part of the United States, to protect—

"(A) the person of the Chief Justice of the United States, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and

"(B) the person of any officer or employee of the Supreme Court while such officer or employee is engaged in the performance of official duties;

"(3) in the performance of duties necessary for carrying out paragraph (1) of this subsection, to make arrests for any violation of a law of the United States or any State and any regulation under such law;

"(4) in the performance of duties necessary for carrying out paragraph (2) of this subsection to make arrests for any violation of a law of the United States and any regulation under such law; and

"(5) to carry firearms as may be required for the performance of duties under this Act.

"(b) The Metropolitan police force of the District of Columbia".

(2) Section 9 of such Act (40 U.S.C. 13n), as amended by paragraph (1) of this subsection, is further amended by adding at the end the following new subsections:

"(c) Duties under subsection (a)(2)(A) of this section with respect to an official guest of the Supreme Court in any part of the United States (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice of the United States or an Associate Justice of the Supreme Court, if such duties require the carrying of firearms under subsection (a)(5) of this section.

"(d) As used in this Act, the term—

"(1) 'official guest of the Supreme Court' means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

"(2) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(3) 'United States', when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

(d) Section 11 of such Act (40 U.S.C. 13p) is amended by adding at the end the following new sentence: "In addition to the property referred to in the preceding sentence, for the purposes of this Act, the Supreme Court grounds are comprised of any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the United States in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.".

SEC. 2. Section 672(c) of title 28, United States Code, is amended—

(1) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(2) by adding at the end the following new paragraph:

"(8) Oversee the Supreme Court Police.".

SEC. 3. Section 3 of the Act entitled "An Act to provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building", approved December 15, 1980 (40 U.S.C. 13p note), is amended by striking out "Act of May 7, 1934 (40 U.S.C. 13a through 13p), as amended" and inserting in lieu thereof "Act entitled 'An Act to provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof', approved May 7, 1934 (40 U.S.C. 13a–13c), and section 6 of the joint resolution entitled 'Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes', approved October 22, 1940 (40 U.S.C. 13e)".

● Mr. SAM B. HALL, JR. Mr. Speaker, this bill, H.R. 6204 was introduced by Mr. RODINO for himself and Mr. MCCLORY in an attempt to clarify the authority of the Supreme Court Police to protect Supreme Court personnel both on and off the premises of the Court and to clarify the authority of the Supreme Court Police to use firearms and make arrests in the performance of their protective function. Following a hearing where representatives of the Court testified, the subcommittee worked with representatives of the Court and formulated the amendment in the nature of a substitute.

Currently, security arrangements for the Supreme Court personnel off the premises of the Court are handled through the cooperation of the U.S. Marshal's service. Members of the Supreme Court Police Force are not authorized to carry firearms off the premises of the Court. Their arrest authority off the premises of the Court is unclear. While many members of the Supreme Court Police force are Deputy U.S. Marshals and are therefore authorized to carry firearms and make arrests off the Court premises, passage of this bill will clarify their authority in an appropriate fashion, by amendment to the provisions of title 40 which authorize the Supreme Court Police.

As amended by the committee the bill amends the provisions in title 40 of the United States Code which currently authorized the Supreme Court Police in the following respects:

First, it clarifies the authority of the Supreme Court Police to protect the property of the Supreme Court and persons in the vicinity of the Court property.

Second, it authorizes the Supreme Court Police to protect the Justices, their official guests, and officers or employees of the Court who are engaged in the performance of official duties in any part of the United States.

Third, it clarifies the arrest authority of the Supreme Court Police and limits arrest authority in the performance of their protective function away from the Supreme Court grounds to arrests for violations of Federal laws.

Fourth, it clarifies and makes explicit the authority of the members of the Supreme Court Police force to carry firearms as may be required for the performance of duties under the act.

Fifth, it repeals the requirement that the Marshal of the Supreme Court shall publish regulations deemed necessary for the protection of the Supreme Court Building and grounds in a local newspaper for 10 days prior to their effective date, and substitutes a requirement that the proposed regulations be posted at the Supreme Court Building and be made

reasonably available to the public in writing.

The amendment in the nature of a substitute improves upon H.R. 6204 by more carefully defining the protective functions of the police and by specifically relating their arrest authority and their authority to carry firearms to those functions. Moreover, the committee amendment requires that the justices identify their official guests and provide written authorization for the Supreme Court Police to carry a firearm while protecting such official guests outside of Virginia, Maryland, and the District of Columbia.●

● Mr. MOORHEAD. Mr. Speaker, ordinarily, I would be opposed to the establishment of another specialized police force. But in view of recent events I think the legislation is well advised. The assault on Justice White last month, threats against Justice O'Connor during her confirmation and documented threats received by the Chief Justice, call for some form of specialized protection.

The current status of the Supreme Court Police is that of a mere guard force with uncertain arrest authority and no explicit permission to carry firearms. Under present law the Supreme Court Police cannot do their job. I think we should change it. I urge my colleagues to vote aye on H.R. 6204.●

● Mr. McCLORY. Mr. Speaker, under current statutes the Supreme Court constabulary lacks authority commensurate with their duties and responsibilities. If the law is read closely, only a superintendent function is permitted. The fact that a Supreme Court employee was shot to death last year cries for a statutory overhaul so that the Supreme Court Police can perform their true law enforcement function.

Street crime, assassination attempts, and terrorist activities have become daily facts of life, yet the police of the Supreme Court have no direct authority to carry weapons when protecting the Justices. In a letter to the Congress from the High Court it was noted that Justice Marshall was the target of at least one threat last year and Justice Sandra Day O'Connor was subject to at least two death threats during the time of her confirmation. A recent assault on Justice White reflects the intensity of feeling that any Supreme Court opinion can generate. This physical vulnerability could have a chilling effect on Court decisions that must be decided without fear or favor. Another deficiency in the present law is its failure to provide for arrest authority. Even if a Supreme Court policeman saw a crime committed on an adjacent street to the Court, he has no arrest authority and indeed could be subject to a personal suit if he intervened.

To get around present statutory deficiencies, Supreme Court Police have to go through the awkward procedure of being deputized as temporary U.S. marshals by the U.S. marshal for the District of Columbia. This authority expires every 6 months and they have to be redeputized. Therefore, any meaningful police authority is derived at the temporary sufference of the U.S. marshal for the District of Columbia. Supreme Court Police are second-class citizens and this arrangement is a heavy blow to morale, besides entailing a lot of unnecessary paperwork.

Mr. Chairman, I strongly support this legislation not only as an accommodation to the Justices but also for the safety and security of all Supreme Court personnel. The Supreme Court Police are law enforcement officers for a coordinate branch of the Federal Government, they should have a clear and unqualified statutory authority to serve in that capacity.●

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to provide for appointment and authority of the Supreme Court Police, and for other purposes."

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF THE INTERIOR TO RELEASE CERTAIN CONDITIONS CONTAINED IN PATENT CONCERNING CERTAIN LAND CONVEYED BY UNITED STATES TO EASTERN WASHINGTON UNIVERSITY

The Clerk called the bill (H.R. 6419) to direct the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University.

There being no objection, the Clerk read the bill as follows:

H.R. 6419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to section 2, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall release certain conditions contained in patent numbered 1216646 concerning the land described in subsection (b) conveyed by the United States to Eastern Washington University (formerly the Eastern Washington College of Education) (hereinafter in this Act referred to as the "University"). Such conditions provide that such land will revert to and revest in the United States if the University or any successor of the University—

(1) uses such land for purposes other than recreational and educational purposes, or

(2) attempts to transfer title to such land.

(b) The land referred to in subsection (a) comprises 21 acres and may be described as lot 6, section 34, Township 22 North, Range 41 East, Willamette Meridian, Washington.

SEC. 2. The Secretary shall carry out subsection (a) of the first section of this Act only after the University has demonstrated to the satisfaction of the Secretary that—

(1) the University will dispose of the land described in subsection (b) of such section only for the purpose of acquiring, by exchange or purchase, real property which is more suitable for educational or recreational purposes than such land,

(2) if the University exchanges such land for other real property—

(A) the fair market value of such real property will not be less than the fair market value of such land, or

(B) the University will pay to the United States any amount by which the fair market value of such land exceeds the fair market value of such real property,

(3) if the University sells such land—

(A) the amount received by the University from such sale will be not less than the fair market value of such land, and

(B) the University will pay to the United States any portion of such amount which is not used to purchase other real property as provided in paragraph (1), and

(4) title to any real property acquired by the University by exchange of such land or by purchase with the proceeds of the sale of such land will vest in the United States if the University or any successor of the University—

(A) uses such real property for purposes other than educational or recreational purposes,

(B) attempts to transfer title to such real property, or

(C) prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or subcontractors (including lessees, sublessees, or permittees) to prohibit or restrict, directly or indirectly, the use of such real property or any facility thereon by any individual because of such individual's race, creed, color, sex, or national origin.

With the following committee amendments:

Page 2, after line 16, insert the following:

"(c) The authority of the Secretary to release such conditions shall expire five years after enactment of this Act."

Page 2, lines 19 and 20, strike "the University has demonstrated to the satisfaction of the Secretary that—" and in lieu thereof insert:

"The University concludes an agreement with the Secretary, and delivers to the Secretary a recordable document setting forth the terms of such agreement, that—"

Page 3, line 20, strike "and".

Page 4, line 11, change "origin." to "origin, and" and insert the following:

"(5) the University will include the terms of such agreement in any document transferring to the University property acquired by the University pursuant to such agreement."

The committee amendments were agreed to.

The bill was ordered engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ACQUIRE BY EXCHANGE CERTAIN LANDS WITHIN INDIANA DUNES NATIONAL LAKESHORE

The Clerk called the bill (H.R. 6029), to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana.

There being no objection, the Clerk read the bill as follows:

H.R. 6029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the fourth sentence of section 2(a) of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u—1(a)), or any other provision of law, the Secretary of the Interior is authorized—

(1) to accept from the State of Indiana the conveyance of 69.17 acres of land located within area IV-A, as designated on the map referred to in the first section of such Act (16 U.S.C. 460u), commonly known as "Heron Rookery", and

(2) in exchange for such conveyance, to convey to the State of Indiana 31.26 acres of land located within area IV, as designated on such map, commonly known as "Hoosier Prairie".

With the following committee amendment:

Strike all after enacting clause and insert in lieu thereof the following:

That (a) notwithstanding the fourth sentence of section 2(a) of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u-1(a)), or any other provision of law, the Secretary of the Interior is authorized—

(1) to accept from the State of Indiana the conveyance of 69.17 acres of land located within area IV-A, as designated on the map referred to in the first section of such Act (16 U.S.C. 460u), commonly known as "Blue Heron Rookery", and

(2) in exchange for such conveyance, to convey to the State of Indiana 31.26 acres of land located within area IV, as designated on such map, commonly known as "Hoosier Prairie".

(b) The Secretary of the Interior may not carry out the conveyance specified in subsection (a)(2) unless, simultaneously with such conveyance and in consideration of such conveyance, the State of Indiana—

(1) transfers to the Secretary all right, title, and interest in the land described in subsection (a)(1);

(2) enters into a recordable agreement satisfactory to the Secretary providing that—

(A) the State will not use, or permit the use, of the land described in subsection (a)(2) for any purpose other than the interpretation and public appreciation and use of the Hoosier Prairie Unit of the Indiana Dunes National Lakeshore;

(B) the State will not transfer any right, title, or interest in, or control over, any land described in subsection (a)(2) to any person other than the Secretary;

(C) the State will permit access by the Secretary at reasonalbe times to the land described in subsection (a)(2); and

(D) upon a final determination by the Secretary that

(i) the State has failed to comply with the requirement of subparagraph (A) or (B), and

(ii) after receipt of notice from the Secretary respecting such failure, the State has failed or refused to comply with such requirements

all right, title, and interest in such land shall revert to the United States for administration by the Secretary as part of the lakeshore.

The Secretary may make a determination under subparagraph (D) only after notice and opportunity for hearing on the record. The reversion under subparagraph (D) shall take effect upon publication of such determination by the Secretary in the Federal Register without further notice or requirement for physical entry by the Secretary unless an action for judicial review is brought in the United States Court of Appeals for the appropriate circuit within 90 days following such publication. In any such action the court may issue such orders as appropriate to carry out the requirements of this subsection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF THE INTERIOR TO RELEASE CERTAIN RESTRICTIONS CONTAINED IN PREVIOUS CONVEYANCE OF LAND TO THE STATE OF FLORIDA

The Clerk called the bill (H.R. 5627) to direct the Secretary of the Interior to release certain restrictions contained in a previous conveyance of land to the State of Florida and to allow the State of Florida to purchase the mineral interests of the United States in such land.

There being no objection, the Clerk read the bill as follows:

H.R. 5627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, with respect to the land described in section 3, part of which was conveyed by the United States to the State of Florida by a patent numbered 1144377 and the remainder of which was conveyed by the United States to the Florida Board of Forestry and Parks (presently named the Florida Department of Natural Resources) by a patent numbered 1123723, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall release conditions in such patents which require that such land be used for park or recreational purposes and, if not so used, that such land shall revert to the United States.

SEC. 2. (a) Upon an application filed by the State of Florida in accordance with subsection (b)(1), the Secretary shall convey to the State of Flordia the mineral interests of the United States in the land described in section 3 at the fair market value of such interests, as determined by the Secretary.

(b)(1) Any application for conveyance filed by the State of Florida under subsection (a) shall be filed not later than one year after the date of the enactment of this Act and shall be accompanied by a sum of money which the Secretary estimates is sufficient to pay the administrative costs of carrying out this section. If such sum is less than the actual amount of administration costs, then, whether or not a conveyance is made, the State of Florida shall pay the difference to the Secretary. If such sum is greater than the actual amount of administrative costs, then, whether or not a conveyance is made, the Secretary shall refund the difference to the State of Florida.

(2) As used in paragraph (1), the term "administrative costs" includes the costs of—

(A) conducting such exploratory programs as the Secretary deems necessary to determine the character of the mineral deposits in the land described in section 3;

(B) evaluating the data obtained under such exploratory programs to determine the fair market value of such deposits; and

(C) preparing and issuing any instrument of conveyance under subsection (a) with respect to such deposits.

SEC. 3. The land referred to in this Act is as follows: lot 2, southwest quarter, southwest quarter, section 15, township 4 south, range 15 west, of the Tallahassee meridian, Florida.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. (a) with respect to the land described in section 2, the right of reverter and the reserved mineral interests held by the United States in such land are hereby conveyed, without warranty, to the State of Florida for the purpose of allowing the State of Florida to exchange such lands for privately owned lands, such conveyance to the State of Florida to be contingent and effective upon the conveyance to the United States of marketable title to the land described in section 3, in fee simple absolute, free and clear of all liens and encumbrances, except those acceptable to the Secretary of the Interior.

(b) Immediately upon receipt by the United States of title to the land described in section 3, the Secretary of the Interior shall convey, without warranty, the land described in section 3 to the State of Florida. The document of conveyance shall:

(1) reserve to the United States all mineral deposits found at any time in the land and the right to prospect for, mine and remove the same; and

(2) provide that the land shall revert to the United States upon a finding by the Secretary of the Interior that for a period of 5 consecutive years such land has not been used by the State of Flordia for park or recreational purposes, or that such land or any part thereof is being devoted to other uses.

SEC. 2. The land referred to in section 1(a) is approximately 0.69 of an acre of land, presently encroached upon by the adjoining landowners or occupants, within an area generally described as lot 2, southwest quarter southwest quarter, section 15, township 4 south, range 15 west, Tallahassee meridian, Florida. Part of the tract was included in the land conveyed by the United States to the State of Florida on May 10, 1954, by patent numbered 1144377, and part was included in the land conveyed by the United States to the Florida Board of Forestry and Parks (presently named the Florida Depart-

ment of Natural Resources) on July 26, 1948, by patent numbered 1123723.

SEC. 3. The land to be received in exchange for the land described in section 2 consists of approximately 1.10 acres of land located in a tract generally described as section 16, township 4 south, range 15 west, Tallahassee meridian, Florida, and more particularly described as follows: Begin at the intersection of the South right of way line of Thomas Drive (State Road No. 392) and the East line of Section 16, Township 4 South, Range 15 West, Bay County, Florida. Thence South 0°31'37" West along the East line of said Section 16 for 468.20 feet to the South line of said Section 16; thence North 89°28'23" West along said South line of Section 16 for 205 feet; thence North 24°10'23" East for 511.11 feet to the Point of Beginning, containing 1.10 acres more or less.

SEC. 4. The State of Florida shall pay promptly to the Secretary of the Interior, any and all costs, including administrative overhead, that may be incurred by the United States in connection with the transactions authorized under section 1 of this Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to provide for the release of certain restrictions on the conveyance of certain lands conveyed to the State of Florida, and for other purposes."

A motion to reconsider was laid on the table.

NEW HAMPSHIRE-VERMONT COMPACT

The Clerk called the bill (H.R. 5288), granting the consent of Congress to the compact between the States of New Hampshire and Vermont concerning solid waste.

There being no objection, the Clerk read the bill as follows:

H.R. 5288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to the compact entered into between the States of New Hampshire and Vermont providing for cooperative agreements to construct and operate facilities for the processing or disposal of solid waste, and to carry out related purposes, which compact was approved by the State of New Hampshire on June 23, 1981, and by the State of Vermont on April 16, 1981. Such compact is substantially as follows:

"ARTICLE I

"A. Statement of Policy.

"It is recognized that municipalities in New Hampshire and Vermont may, in order to avoid duplication of cost and effort, and, in order to take advantage of economies of scale, find it necessary or desirable to enter into an agreement whereby joint solid waste disposal and resource recovery facilities are constructed and maintained. The States of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to capture the economic benefits of reduced solid waste disposal costs and to enhance the economy through a reduction in demand for imported energy and the promotion of employment. Furthermore, the States of New Hampshire and Vermont recognize the value of and the need for such a cooperative agreement to maintain a safe and healthy environment, including a clean and renewable supply of the water resources.

"B. Requirement of Administrative and Congressional Approval.

"This compact shall not become effective until approved by the Administrator of the United States Environmental Protection Agency and the United States Congress.

"C. Definitions.

"1. 'Resource recovery facility' shall mean any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise, separating and preparing solid waste for reuse.

"2. 'Municipalities' shall mean in Vermont, a municipality as defined in 1 V.S.A. § 126 and a union municipal district established under the authority of 24 V.S.A. Chapter 121; shall mean in New Hampshire, a public agency as defined in RSA 53-A:2 and a regional refuse disposal district established under the authority of RSA 53-B.

"3. 'Solid waste agencies' shall mean those agencies within New Hampshire and Vermont possessing authority to regulate solid waste disposal and to administer the Resource Conservation and Recovery Act of 1976, as amended (42 USCA Chapter 82).

"4. 'Sanitary landfills' shall mean a facility for the disposal of solid waste which meets the criteria published under 42 USCA § 6944 of the Resource Conservation and Recovery Act of 1976, as amended.

"5. 'Solid waste' shall mean any garbage, refuse, metal goods, tires, demolition and construction waste, yard waste, and sludge from a waste water treatment plant, or other discarded materials, possessing no value to the producer in its present form where it is located, produced by normal residential, commercial, and industrial activities, but does not include hazardous waste.

"6. 'Hazardous waste' shall mean any solid, semi-solid, liquid, or contained gaseous waste, or any combination of these wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, or any waste classified as hazardous at any time under applicable laws and regulations of the United States, New Hampshire, and Vermont or any subdivision thereof pursuant to a valid grant of authority.

"ARTICLE II

"PROCEDURES AND CONDITIONS GOVERNING INTERGOVERNMENTAL AGREEMENTS

"A. Cooperative Agreements Authorized.

"Any two or more municipalities, one or more located in New Hampshire and one or more located in Vermont, may enter into cooperative agreements for the construction, maintenance, and operation of a resource recovery facility or sanitary landfill or both, and those related services needed for the efficient operation thereof. The agreement may also include the sale of energy and other byproducts.

"B. Approval of Agreements.

"Any agreement entered into under this compact shall, prior to becoming effective, be approved by the solid waste agencies of both New Hampshire and Vermont as in conformance with each State's solid waste management plan.

"C. Method of Adopting Agreements.

"Agreements hereunder shall be adopted in accordance with existing statutory procedures for the adoption of inter-governmental agreements between municipalities within each State, and further in New Hampshire, as provided in RSA 53-B.

"D. Review and Approval of Plans.

"The solid waste agencies of the State in which any part of a solid waste disposal and resource recovery facility which is proposed under an agreement pursuant to this compact is proposed to be or is located is hereby authorized and required, to the extent such authority exists under its State law to assure that the proposed facility is compatible with the existing State plan.

"E. Contents of Agreements.

"Agreements entered into pursuant to this compact shall contain the following:

"1. Duration of the agreement.

"2. Purpose of the agreement.

"3. Provision for a joint board and/or administrator, responsible for administering the cooperative undertaking and the powers to be exercised thereby. All municipalities party to the agreement shall be represented.

"4. The manner of acquiring, holding, and disposing of real and personal property used in the cooperative undertaking.

"5. The manner of financing the cooperative undertaking and establishing a budget therefor.

"6. The manner and method of establishing and imposing fair and equitable charges for the users of the facilities.

"7. A provision establishing a procedure for the arbitration of disputes.

"8. The conditions and procedure under which a municipality may withdraw from or be added to a cooperative agreement.

"9. The manner in which the agreement may be amended.

"10. The methods to be employed in the termination of the agreement and for disposing of property upon termination.

"ARTICLE III

"EFFECTIVE DATE

"A. This compact shall become effective when ratified by New Hampshire and Vermont and approved by the United States Congress.".

SEC. 2. Nothing contained in the compact described in the first section of this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the agreement.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

● Mr. SAM B. HALL, JR. Mr. Speaker, pursuant to article I, section 10 of the U.S. Constitution, this bill extends congressional consent to an agreement already ratified by the legislatures of Vermont and New Hampshire. Under the agreement, municipalities in the two States would be authorized to enter into agreements to jointly construct and maintain facilities for the disposal of solid waste and the generation of electricity. According to testimony before the subcommittee, communities in both Vermont and New

Hampshire have been participating in an interstate solid waste project with the cooperation and support of the Environmental Protection Agency since 1979. The approval of this compact will make it possible for these communities to continue to cooperate and produce electric power by burning their solid wastes.

The Environmental Protection Agency supports enactment of this legislation and its passage would not detrimentally affect any Federal interest.

I urge my colleagues to support this bill giving the consent of Congress to the compact between the States of New Hampshire and Vermont.●

● Mr. MOORHEAD. Mr. Speaker, to avoid duplication and unnecessary expense, New Hampshire and Vermont have entered into a compact of mutual assistance under the Resource Conservation and Recovery Act.

This compact is the implementation on a regional basis of a solid waste disposal plan. Instead of each State having to build separate facilities at enormous cost, both States will use the same facilities at optimum levels. This arrangement is an economical and efficient use of the Federal tax dollar and enables two States to share the burdens and the rewards of a cooperative plan.

Solid waste disposal has turned from a municipal headache into an abundant source of energy. In the cold New England winters the generation of 12.5 kilowatts of electricity from materials that were once buried in the ground, should be a source of financial and physical comfort.

Since the compact is between two States, the Constitution requires a congressional blessing. I strongly support this legislation and urge my colleagues to vote aye.●

● Mr. McCLORY. Mr. Speaker, this is the first interstate compact under the Resource Conservation and Recovery Act of 1976. It enables municipalities of both States to enter into agreements for the construction and maintenance of joint solid waste disposal and resource recovery facilities.

Once the source of perpetual controversy among communities, solid waste disposal has turned into a hidden bonanza for all participants. Technology makes it possible to convert waste into useful power—it is estimated that more than 12.5 million kilowatts of electricity will be generated per year under this program. Moreover, it will also reduce the need for landfill by 80 percent for the communities involved. Separation of solid waste will also make it possible to recover metals for reuse. This is my definition of sound environmental legislation.

Years ago States and local governments were battling about where the next landfill would be; today it seems the reverse. Communities have tried to outbid one another for waste disposal and separation facilities for the jobs and other economic benefits to be derived by placement of such facilities in their community.

We must give credit to the States of New Hampshire and Vermont for implementing resource conservation and recovery. "Yankee ingenuity" is alive and well.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CRIMINAL PENALTY FOR THREATS AGAINST FORMER PRESIDENTS AND CERTAIN OTHER PERSONS PROTECTED BY THE SECRET SERVICE

The Clerk called the bill (H.R. 6168) to amend chapter 41 of title 18, United States Code, to prohibit threats against Presidental candidates and other persons protected by the Secret Service who are not presently covered by the Presidential threat statute, with the creation of a new section 879 for this purpose.

There being no objection, the Clerk read the bill as follows:

H.R. 6168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) chapter 41 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 879. Threats against certain other United States Secret Service protectees

"(a) Whoever knowingly and willfully threatens to kill, kidnap, or inflict bodily harm upon a former President of the United States; the spouse, widow, or minor child under the age of sixteen years of a former President; a major candidate or the spouse of a major candidate for the Office of the President or Vice President, or a member of the immediate family of the President, the President elect, the Vice President, the Vice President elect, or a former Vice President, any of whom is receiving Secret Service protection, shall be fined not more than $1,000 or imprisoned not more than three years; or both.

"(b) As used in this section—

"(1) 'major candidate or the spouse of a major candidate for the Office of the President or Vice President' means any person receiving Secret Service protection pursuant to provisions of Public Law 90-331 (82 Stat. 170), as amended;

"(2) 'immediate family' includes—

"(A) any person who is related by blood, marriage, or adoption to the President, President elect, the Vice President, or the Vice President elect and who receives Secret Service protection; or

"(B) any person to whom the President, President elect, Vice President, or Vice President elect stands in loco parentis and who receives Secret Service protection; and

"(3) 'President elect' and 'Vice President elect' shall have the same meaning given those terms in section 871(b) of this title.".

(2) Section 3056(a) of title 18, United States Code, is amended by striking out in the fifth clause the phrase "and 871" and inserting in lieu thereof "871, and 879".

(3) The analysis for chapter 41 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"879. Threats against certain other United States Secret Service protectees.".

(4) Section 871 of title 18, United States Code, is amended by inserting the words ", to kidnap," in subsection (a) after the words "to take the life of".

With the following committee amendments:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) chapter 41 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 879. Threats against former Presidents and certain other persons protected by the Secret Service

"(a) Whoever knowingly and willfully threatens to kill, kidnap, or inflict bodily harm upon—

"(1) a former President or a member of the immediate family of a former President;

"(2) a member of the immediate family of the President, the President-elect, the Vice President, or the Vice President-elect; or

"(3) a major candidate for the office of President or Vice President, or the spouse of such candidate;

who is protected by the Secret Service as provided by law, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

"(b) As used in this section—

"(1) the term 'immediate family' means—

"(A) with respect to subsection (a)(1) of this section, the wife of a former President during his lifetime, the widow of a former President until her death or remarriage, and minor children of a former President until they reach sixteen years of age; and

"(B) with respect to subsection (a)(2) of this section, a person to whom the President, President-elect, Vice President, or Vice President-elect—

"(i) is related by blood, marriage, or adoption; or

"(ii) stands in loco parentis;

"(2) the term 'major candidate for the office of President or Vice President' means a candidate referred to in the first section of the joint resolution entitled 'Joint resolution to authorize the United States Secret Service to furnish protection to major Presidential or Vice Presidential candidates', approved June 6, 1968 (18 U.S.C. 3056 note); and

"(3) the terms 'President-elect' and 'Vice President-elect' have the meanings given those terms in section 871(b) of this title.".

(b) The table of sections for chapter 41 of title 18, United States Code, is amended by adding at the end the following new item:

"879. Threats against former Presidents and certain other persons protected by the Secret Service.".

SEC. 2. Section 871(a) of title 18, United States Code, is amended by inserting after "to take the life of" the following: ", to kidnap,".

SEC. 3. The sentence beginning "Subject to the direction" in section 3056(a) of title 18, United States Code, is amended—

(1) by striking out "and 871 of this title" and inserting in lieu thereof "871, and 879 of this title"; and

(2) by striking out ", joint-stock land banks and Federal land bank associations are concerned, of sections 218, 221" and inserting in lieu thereof "and Federal land

bank associations are concerned, of sections 213, 216."

SEC. 4. (a) Section 1013 of title 18, United States Code, is amended by striking out ", or by any joint-stock land bank or banks".

(b) Section 1014 of such title is amended by striking out "a joint-stock land bank,".

(c) Section 1907 of such title is amended by striking out ", Federal land bank, or joint-stock land bank" and inserting in lieu thereof "or Federal land bank".

● Mr. SAM B. HALL, JR. Mr. Speaker, as introduced, H.R. 6168 accomplishes two major purposes. It amends the Presidential threat statute, 18 U.S.C. 871, to prohibit threats to kidnap the President or other persons named in that section, and it creates a new section 879 which prohibits threats against Presidential candidates and other persons protected by the Secret Service who are not covered by the present sections 871 or 112 of title 18. The need to criminalize kidnap threats against the President is self-evident. The new section 879 will provide the Secret Service with jurisdiction to investigate threats against any authorized Secret Service protectees. Currently, Secret Service investigations and the prosecution of persons who make threats against protectees are hampered by reliance on various State laws. The bill as amended will meet these needs.

The committee amendment in the nature of a substitute substantially changes the bill in only one respect. It deletes the reference to "a former Vice President" in the new section 879. Since the Secret Service is not authorized under current law to protect former Vice Presidents, it is not appropriate that threats on the life of a former Vice President constitute a distinct Federal criminal offense.

The committee amendment otherwise improves the bill by:

More carefully tracking the language of 18 U.S.C. 3056 which authorizes the Secret Service;

Clarifying section "(2)" of the bill (That section amends 18 U.S.C. 3056 by adding a reference to new section 879 of title 18); and by

Making technical amendments to 18 U.S.C. 3056 deleting references to nonexistent "Joint Stock Land Banks" and revising erroneous section numbers.

In addition, I call my colleagues' attention to language in the committee report which clarifies the meaning of the term "knowingly and willfully" as it is used in the new section 879. There has been considerable disagreement among courts construing the identical term in section 871 of title 18. Our report construes "knowingly and willfully" as requiring proof of a subjective intent to make a threat.●

● Mr. MOORHEAD. Mr. Speaker, I lend my support to this bill. It fills a gap in the protective activities of the Secret Service and has also been recommended by the Select Committee on Assassinations.

All of the new persons covered under H.R. 6168 are already protectees of the Secret Service. They are individuals of high visibility and are most likely to receive serious threats.

Presently, when a protectee of the Secret Service, other than the President, receives a threat of death or serious bodily harm, the Secret Service cannot arrest and therefore must rely on local law and local officials for action. Such an arrangement is awkward and uncertain.

During committee action on this bill we discussed its impact on constitutionally protected speech. While free speech is a sacred right within the democratic process, it was hardly meant to protect death threats. HiStory tells us that our public figures are much too vulnerable to let serious verbal threats to go uninvestigated. The Constitution was never meant to protect license or permissiveness. Suffice it to say then that we should err on the side of caution.

I urge my colleagues to vote for H.R. 6168.●

● Mr. McCLORY. Mr. Speaker, a threat against the life of the President is a felony under Federal law. Besides the President, this law applies only to a select few, such as Presidential successors as well as the President and Vice-President-elect. Many other elected public figures and their families now protected by the Secret Service are not protected by a threat statute. Nor do major Presidential candidates have this much needed statutory coverage.

Because the Secret Service is required to protect these persons, their protective job is hampered by the fact that there is no Federal threat statute. Investigation, arrest, prosecution, and conviction must be based upon local law and the cooperation of local officials. Each State has a different law with different degrees of proof. Local resources and quality of local officials may also vary, thereby confounding the job of the Secret Service.

This legislation provides the much needed independent basis for the Secret Service to do its job. It gives them authority commensurate with its responsibility. Under this amendment, investigation and prosecution would be streamlined. A report from the Congressional Budget Office states that this legislation has no budget impact.

In closing, I would like to say that our committee examined the first amendment implications of this extension of the threat statute. I am satisfied a fair balance has been struck between constitutionally protected utterances and intentional death threats. Political rhetoric shall be protected; substantial threats shall be punished. I urge my colleagues to vote for this bill.●

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to amend title 18, United States Code, to provide a criminal penalty for threats against former Presidents, major Presidential candidates, and certain other persons protected by the Secret Service, and for other purposes."

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Consent Calendar.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in connection with the bills, H.R. 6204, H.R. 5288, and H.R. 6168, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2248, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1983

Mr. WHITE. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, August 16, 1982, to file a conference report on the Senate bill, S. 2248, the Department of Defense Authorization Act, fiscal year 1983.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from Texas?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING 5-MINUTE RULE ON AUGUST 17, 18, AND 19, 1982

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Tuesday, Wednesday, and Thursday, August 17, 18, and 19, 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. JOHNSTON. Mr. Speaker, reserving the right to object, has that been cleared with the minority?

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield, the minority has been consulted on this.

Mr. JOHNSTON. Has that been cleared with the minority?

Mr. SEIBERLING. It has been cleared with them in the sense that they have been consulted. I cannot say of my own knowledge that they have consented, but as far as I know, there is no objection.

Mr. JOHNSTON. Will the gentleman from Ohio withdraw his request until we have a chance to check?

Mr. SEIBERLING. I will be glad to do that, without prejudice.

Mr. Speaker, I withdraw the request.

The SPEAKER pro tempore. The gentleman from Ohio withdraws his request.

REQUEST FOR PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO SIT TODAY AND THE REST OF THE WEEK DURING 5-MINUTE RULE

The SPEAKER pro tempore. For what purpose does the gentleman from Michigan (Mr. DINGELL) rise?

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have the permission of the House to sit today and for the rest of the week for the purposes of the consideration of legislation while the House is sitting under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Michigan can enumerate what legislation this request relates to.

Mr. DINGELL. It is my expectation to consider the Clean Air Act amendments.

Mr. DANNEMEYER. Reserving the right to object, the request relates only to the legislation dealing with the Clean Air Act?

Mr. DINGELL. That is correct.

Mr. DANNEMEYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. WAXMAN. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The Chair is not recognizing the gentleman for that purpose at this time.

Mr. WAXMAN. Reserving the right to object, and pending that, Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. That is not in order at this point. I wonder if we could ask the gentleman from Michigan to temporarily withhold his request.

Mr. DINGELL. Mr. Speaker, I believe that this is proper business of the House. The Chair has just considered a request of this kind. If it is the wish of the gentleman from California to obfuscate and delay the business of the Committee on Energy and Commerce, the business of the House, then it is his right to do so, and I think it is my right to have him take that step.

PARLIAMENTARY INQUIRY

Mr. WAXMAN. Mr. Speaker, a point of parliamentary procedure.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WAXMAN. I would like to know how the rules would protect Members who have been informed that a controversial unanimous-consent request would not be brought up on a day when there are no votes, except to allow a Member to ask for a quorum call so the Members can participate in a decision that is made.

Mr. DINGELL. I call for the regular order.

The SPEAKER pro tempore. The Chair has indicated that a motion at this time or objection at this time that a quorum is not present is not in order. The gentleman from Michigan insists on his unanimous-consent request.

Mr. DINGELL. That is correct.

Mr. WAXMAN. A point of parliamentary procedure.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WAXMAN. I renew my inquiry to the Speaker on how the rules are permitted to protect Members when there are no indications of any controversy being brought up on a day when the House is not required to have votes.

Mr. DINGELL. Mr. Speaker, I demand the regular order. I make the point of order that is not a proper parliamentary inquiry.

Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman insists on the regular order. The gentleman from California insists on his right to make an objection, pending which he makes the point of order a quorum is not present.

Mr. SEIBERLING. Mr. Speaker, will the gentleman withhold for a minute his point of order?

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Ohio?

Mr. WAXMAN. I will be pleased to yield.

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Tuesday, Wednesday, and Thursday, August 17, 18, and 19, 1982.

Mr. DINGELL. I have a similar request pending, and I object.

The SPEAKER pro tempore. The gentleman is within his rights to object to yield for that purpose. The gentleman did not recognize the gentleman for that purpose at this time.

The Chair at this time will withhold recognition for any further purpose for a period. The Chair will protect the gentleman from Michigan's rights in this matter.

Mr. DINGELL. Mr. Speaker, I am entitled to have a ruling on my unanimous-consent request.

The SPEAKER pro tempore. The Chair will reserve a ruling. The Chair will protect the gentleman's rights.

Mr. DINGELL. Mr. Speaker, I believe I am entitled to be protected at this time.

The SPEAKER pro tempore. It is a matter of recognition, and the Chair is going to exercise his rights of recognition at this time. The Chair assures the gentleman that his rights will be protected.

Mr. DINGELL. Mr. Speaker, I would observe that if I am denied recognition at this time, I may very well be denied my rights. I have a unanimous-consent request for which I was properly recognized. I would point out another request was recognized for a similar unanimous consent just previous to me. That request was granted.

The SPEAKER pro tempore. It was not granted.

Mr. DINGELL. Perhaps the Speaker can explain to me why I am being denied my rights.

The SPEAKER pro tempore. The gentleman from Ohio withdrew his request.

Mr. DINGELL. The gentleman previous to that.

The SPEAKER pro tempore. The gentleman from Ohio withdrew his request.

Mr. DINGELL. Are you forgetting that another Member had just made a request on behalf of the Armed Services Committee?

The SPEAKER pro tempore. The gentleman from the Armed Services Committee, Mr. WHITE of Texas, asked to file a report, and that unanimous-consent request was granted.

Mr. DINGELL. Unanimous-consent request that the Armed Services Committee be permitted to sit.

The SPEAKER pro tempore. I am sorry to disagree with the gentleman. The Chair did not grant permission to sit or entertain that motion from the gentleman from Texas.

The Chair will take 1 minute speeches at this time.

OLDER AMERICANS VOCATIONAL EDUCATION ACT INTRODUCED

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, last week, I introduced a bill to help the millions of older Americans in our Nation who want to work but cannot, men and women aged 55 and older who find entering or reentering the job market exceedingly difficult—

those, Mr. Speaker, who seek to remain hardworking and self-sufficient, but are unable to fit into the changing face of the American job market.

The Older Americans Vocational Education Act would remedy this dilemma for the older worker. The bill establishes a 3-year demonstration program to encourage training and retraining for older workers. It expands the focus of vocational education to include the needs of a greatly neglected segment of our population—the older worker.

By the year 2000, the number of persons aged 55 and over will rise by 19 percent. As policymakers, we must begin to consider the implications of a population which will not only live longer, but will want to work longer. I hope my colleagues will support this small, but valuable investment in older Americans.

□ 1215

"HERE WE GO AGAIN" ON THE CONGRESSIONAL PAY RAISE ISSUE

(Mr. WALGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALGREN. Mr. Speaker, these remarks, I am afraid, fall under the category of the "Here we go again" department.

Just several weeks ago, the House repealed the tax break for Members of Congress that had been slipped through in the rush of the last day of the session last year. Undoing the damage that the Congress did to its standing with the public took a long time. Yet, here we go again.

Last week, the Senate approved by voice vote an amendment to the pending supplemental appropriation bill which would require a special pay commission to submit recommendations for pay increases for Congressmen and other Federal officials just 2 weeks after the November elections coming up this fall.

This is simply another attempt to raise congressional pay without the honesty of requiring Congress to deal with the issue alone, up or down, on its own merits.

This measure would instruct the commission to report its recommendations to the President by November 15, 1982. Once approved by the President, the recommendations would take effect 30 calendar days after they are submitted to Congress unless a concurrent resolution were adopted overturning those recommendations by both Houses of Congress.

This raises the specter of the probability of a substantial pay increase for Members of Congress with no vote by the Congress one way or the other so that the public will have no say in the matter.

Mr. Speaker, we owe it to the American public to deal with the issue of congressional pay in an open and honest manner and not to push through another sneaky backdoor pay raise.

I want to share with my colleagues a letter I have sent to the Hon. RICHARD BOLLING, chairman of the Rules Committee, urging a separate vote on this raise when the House acts on the conference report on H.R. 6863, the supplemental appropriation bill. I hope all my colleagues will join in this request so that this kind of measure is clearly dealt with by the House on its merits.

A VOTE FOR THE CURRENT TAX BILL WOULD COMPOUND CONGRESSIONAL ERROR

(Mr. WALKER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, suppose some Member introduced a bill in the House which did the following things:

Penalized the savings of our elderly in order to give big financial institutions 30 days' free use of the senior citizens' money;

Hired 5,200 new Federal employees with the express role of harassing productive American working people;

Allowed corporate America to deduct from their taxes the bribes they pay to Government officials;

Raised the utility bills of nearly all Americans;

Cut back on a middly-income family's ability to pay its highest medical bills;

Made everyone's tax attorney or accountant into a Government spy against them;

Created the most massive new regulatory burden in recent years; and

Diminished economic activity resulting in the loss of thousands of jobs.

We would say that someone was crazy to introduce a bill doing all those things, that he or she was committing political suicide. Yet those who voted to send the tax bill to conference without the House even looking at it voted for all those provisions in one bill.

Mr. Speaker, let us hope that this House does not compound the error by allowing the tax bill to become law.

PENDING TAX BILL DESCRIBED AS A PIG IN A POKE

(Mr. BETHUNE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, the people are asked to believe that the big tax increase that is being pushed is really a deficit reduction plan, and aside from the wisdom that you cannot reduce deficits by increasing taxes, the pitch seems to be that we are going to get 3 dollars' worth of spending cuts for every dollar's worth of tax increases and we need to take it and run because that is the best we can do because of all the big spenders here in the Congress who will not let us have more.

This is a bad bargain because the $228 billion worth of tax increases over the next 5 years will be set in stone. They will be set in stone, whereas the mandated spending cuts that were supposed to be given in exchange for this will work out to be about 27 cents for every dollar's worth of tax increases, and the rest of it is just pure smoke and is likely to never materialize given the spending habits of this Congress.

What it boils down to here is the fact that the administration has bought a pig in a poke and now they are trying to sell it to the American people. What we have got is a situation where we are going to be raising taxes over a 5-year period of time in the sum of over $230 billion, and we are expected to rely on the good faith of Congress to deliver three times as much in spending cuts. Who is going to believe that the Congress is going to deliver such spending cuts? I do not think anyone believes that the best way to satisfy the appetite of this big spending Congress is to set a 5-year supply of money on the table and then expect them to cut spending. They have never done it in the past, and they are not going to do it now.

Mr. Speaker, they are not going to use this money to reduce the deficit; they are going to spend it just like they have spent it in the past.

MEDICINE, NOT POISON

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks)

Mr. CONABLE. Mr. Speaker, back when I was a boy, medicine usually did not taste good. But despite efforts to rationalize, we knew we would have to take it if we wanted to get better. The tax bill facing us this week is medicine, not poison. No matter how much we rationalize, most of us know we are going to have to get the deficit down if the economy is going to become healthy again. The fever of inflation and high interest rates will not break if we refuse to deal with the illness.

We can not deal with deficit solely on the revenue side, and should not. Important expenditure cuts are included in this dose of medicine. Other cuts face us, and some of them will not taste good either, but a balanced and politically acceptable course of treat-

ment will include both budget cuts and tax increases, I hope in the 3-to-1 ratio prescribed by the budget.

As a participant in the tax conference, I must tell you it was not a pleasant experience. Without a House version, every element in the Senate bill was wide open, and the conferees had to start from scratch on hundreds of technically difficult proposals. House default of this sort was thoroughly confirmed as poor procedure.

But we did knock some of the sharp corners off the Senate bill. The medicine is not going to kill the patient. The ingredients still put the emphasis on compliance—collecting taxes already due—and on the tightening of some business taxes. There is the sugar-coating of unemployment insurance extension to help the medicine go down.

Mr. Speaker, I will not pretend I like taking medicine, but I intend to help this country get well.

HOUSE REPUBLICANS URGED TO REJECT THE TAX BILL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the gentleman from New York is a statesman, a scholar on the Tax Code, and a man who, if he had had real representation in the conference, would have produced a better tax bill.

It is tragic for us Republicans that we have had for all practical purposes no input on the Rostenkowski-Dole bill. The Rostenkowski-Dole bill is a 5-year, $228 billion tax increase. It is either the biggest or the second biggest tax increase in history.

On the issue of fairness, it offers us a chance to protect lobbyists' lunches while going after waiters and waitresses. It is a tribute to the power of lobbyists and all-night sessions. It withholds interest on savings and will discourage all senior citizens and others from putting money into savings accounts.

On balance, it is an appropriate bill for the gentleman from Illinois (Mr. ROSTENKOWSKI) to offer. It is an appropriate bill for the New York Times, the New Republic, and the Washington Post to endorse, but it is a bill which every House Republican should reject out of a sense of pride, out of the dignity of their institutions, and out of a sense of rejecting the steamroller which forced their members on the Committee on Ways and Means to have virtually no impact on this bill.

Mr. Speaker, every House Republican should vote against this bill and should scorn the process which has brought us to this place.

CONSTITUTIONAL AMENDMENT OFFERED TO CLARIFY ORIGINATION OF REVENUE BILLS

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, over the past few weeks, we have heard a lot of warnings about the need to exercise caution in amending the Constitution. We have been told that the Constitution has served us well for nearly 200 years and that we should leave it alone. And we have been told that the Constitution should never be amended in a way that would limit the flexibility of Congress. "We can't let the Constitution become a straitjacket," we are told. "We can't make everybody's pet issue the subject of a constitutional amendment."

Even so, the experience of this Congress in dealing with the Nation's economic crisis convinces me more than ever that the time has come to change the way we are doing things.

Accordingly, my esteemed colleague, Mr. BROWN of Ohio, and I are introducing a constitutional amendment providing that "all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

If that language sounds familiar, it has been all but overlooked in the development of the tax package we are about to consider.

THE NEED FOR HIGH-LEVEL NUCLEAR WASTE DISPOSAL LEGISLATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, once again we are coming to the closing days of a Congress; yet, there is no high-level nuclear waste disposal legislation that has passed the House. The same thing happened 2 years ago. Unless the majority of House Members are allowed to work its will, this Congress may too adjourn without enactment of this vital legislation.

Four committees of this House have finally approved legislation to resolve this problem. The Senate has similarly acted. Yet, none of these measures is scheduled for House debate. No one knows when or if we will be allowed to debate any or all of these measures fully and openly.

I urge my colleagues from both sides of the aisle to join with me in impressing upon the House leadership how imperative it is that this legislation is brought to the full House as soon as possible. Although I fully understand the objectives of those who would oppose this request, I would hope nevertheless that a small minority would not be allowed to frustrate the will of the majority. Further delay in resolving this problem will only serve to harm the entire Nation and will benefit no particular congressional district.

I trust that the leadership will heed this call and take action soon to bring this legislation before the full House. Congress must not fail the American people as it did in the 96th Congress.

CHANGES IN PENSION PROCEDURES IS A NEW "ZINGER" IN THE TAX BILL

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, last September a few Members of this House got somewhat surprised when they found out that a bill that ostensibly had to do with black lung benefits in fact provided them a new break insofar as their own incomes are concerned.

Well, there is a "zinger" in this tax bill, too, that the American people will probably find out about in due time. Our present Tax Code permits those out there in the real world in the private sector to increase their pensions or the amount of contributions to their pension plans each year based on the increase in cost of living. That is the so-called COLA clause for the private sector.

This plan or this new tax bill takes that away from them. But what does it do to Congress? It does nothing but leave Congress intact. Congress can still adjust its pensions for the COLA. So can the bureaucrats, and so can the military. Do the Members remember that vote we had last week where we voted against capping civil service pensions at 4 percent? They are still protected. We now have a two-tier system of pensions just like we have a two-tier system of compensation. The bureaucrats, the military, and ourselves, are protected against inflation, but we deny that protection to the private sector of the economy.

Mr. Speaker, I say to the Members of the House that is wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on tomorrow, Tuesday, August 17, 1982.

PLATTE RIVER WATER RESOURCE STUDIES

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6188), to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in a special study to assist the State of Nebraska in establishing water resource conservation and development priorities, consistent with constitutional and statutory provisions of the State of Nebraska, in the Platte River Basin from the western border of the State of Nebraska to the confluence of the Platte and Missouri Rivers.

The purposes of the study shall be to—

(a) determine the availability of water resources within the basin;

(b) identify, define, and quantify the existing and foreseeable intrabasin and interbasin demands on such resources within the State of Nebraska (including irrigation, ground water stabilization and recharge, enhancement of water quality, small community and rural domestic water supplies, management of fish and wildlife habitat, public outdoor recreation, preservation of scenic qualities, flood control, hydroelectric power development, municipal and industrial water supplies, and such other demands as the study may identify);

(c) identify, evaluate, and estimate costs for alternative methods of meeting the identified water demands, including but not limited to withdrawals from the Platte River, groundwater pumping, water conservation, and improved water management.

(d) resolve the identified conflicts by making specific recommendations on the full and best utilization of the available water supply, including a priority ranking for implementing recommended water conservation and development projects.

SEC. 2. The special study authorized by section 1 of this Act shall be a Federal-State study conducted jointly by the Bureau of Reclamation and the Nebraska Natural Resources Commission. The broadly constituted study body responsible for making the recommendations required by section 1 shall consist of such citizens, representatives of agricultural, environmental and development groups, State and local officials, and Federal agency representatives as the Governor of Nebraska and the Secretary shall jointly determine. Federal agencies invited to participate shall include, but not be limited to, the U.S. Geological Survey, the U.S. Fish and Wildlife Service, and the Environmental Protection Agency. The special study authorized by section 1 of this Act shall be completed within thirty months after funds are first appropriated under this Act.

SEC. 3. (a) There is hereby authorized to be appropriated the sum of $350,000 to carry out section 1 of this Act. One-half of this sum shall be made available as a grant to the Nebraska Natural Resources Commission and shall be matched equally by direct contribution or inkind services by the State of Nebraska, its political subdivisions, or other non-Federal entities.

(b) The sums expended or services provided by the State of Nebraska, its political subdivisions, or other non-Federal entities after March 9, 1982, for the purposes of this Act shall be considered in the determination of the matching non-Federal share.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. KAZEN) will be recognized for 20 minutes, and the gentleman from Nebraska (Mr. BEREUTER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6188, as amended by the Committee on Interior and Insular Affairs, would authorize the Secretary of the Interior to participate with the State of Nebraska in a special study that would result in the establishment of water resource development priorities in the Platte River Basin. This unique study would involve not only the Bureau of Reclamation, but also the U.S. Fish and Wildlife Service, the U.S. Geological Survey, the Environmental Protection Agency, and other Federal agencies. The bill authorizes the appropriation of $350,000, one-half of which would be made available as a grant to the Nebraska Natural Resources Commission and would be matched by funds and inkind contributions by the State and other non-Federal entities.

Mr. Speaker, over the past few years it has become increasingly apparent that there is not enough water in the Platte River to satisfy all of the demands that have been placed on that resource. In order to resolve conflicts among the competing interests for Platte River water, the Nebraska Natural Resources Commission recently developed a conflict resolution process. This process brings together the competing interests and provides decisionmakers with a rational, documented basis for their actions.

For the conflict resolution process to be a success, it must be based upon the best available information regarding the amount of water in the Platte River, and the nature and extent of the competing demands for that resource. The Bureau of Reclamation, with its vast technical background in water resources, would greatly enhance the quality of the study.

Mr. Speaker, enactment of the bill is supported by the administration.

I urge my colleagues to support this bill, and I reserve the balance of my time.

□ 1230

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the first of two Nebraska water bills which we are considering today, H.R. 6188, will authorize the Bureau of Reclamation to assist the State of Nebraska in making a special conflict resolution study of the entire Platte River Valley in Nebraska. This study is designed to assess the relative merits of all proposals which have been made for water development and conservation on that stretch of this, the most important river that flows through our State. There are currently eight proposed water development projects in various stages of development along the river, and there are certain to be a great number of other competing claims for the water which flows in the Platte. Although I fully support the Prairie Bend proposal, to be considered following this bill, I do believe that it is essential that the needs of all Nebraskans be considered as the State proceeds to allocate these Platte River waters and, at the same time, maintain the required minimum streamflows for fish and wildlife habitat and other purposes. Every expert tells us that there is simply not enough water in the Platte River to satisfy all the demands which are being placed upon that limited resource; therefore, it is important that some process for the resolution of these competing interests be initiated.

This bill was introduced in an effort to provide the State of Nebraska with financial, as well as technical, assistance in its efforts to make a comprehensive assessment of the Platte River within the State of Nebraska and to require that very specific recommendations as to the future conservation and use of the waters contained in that river basin be made as a part of the conclusion of the study. The bill requires the establishment of a broadly based study body which will, with the technical assistance of the Bureau of Reclamation, and the advice of the U.S. Geological Survey, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, and other Federal agencies, make an inventory of the waters in the Platte, assess the various proposals for development along the Platte, as well as the existing and foreseeable nondevelopment uses such as municipal use and fish and wildlife habitat, and then make specific recommendations as to future allocation of those waters. I believe it is important to stress the requirement for those specific recommendations which this bill mandates.

As primary sponsor of this bill, it is my intention that the Bureau shall have available $175,000 of the $350,000 authorized in the bill to enable it to provide the needed technical assistance to the State agencies, while the remaining $175,000 will simply be passed through the Bureau directly to the Natural Resources Commission, acting on behalf of the State of Nebraska. I want to emphasize that the

$175,000 provided to the State will be matched, on a 1-to-1 basis, by funds and inkind contributions by the State and other non-Federal sources. I believe that it is important for the State to show its commitment through this type of financial involvement.

Mr. Speaker, I believe that the time has come for us to begin to consider these water development issues in a comprehensive or holistic manner. Each of these competing interests must be considered as an integral part of a larger plan for water resource development in the individual States and the country as a whole. We must focus on the need for a new approach to water resource development, rather than continuing to pursue a piecemeal approach to water policy. The conflict resolution bill which I have introduced offers us an example of the comprehensive planning approach, and I consider it to be an essential part of the process of authorizing future feasibility studies for any project on the Platte.

The State of Nebraska has already begun the early stages of this study, and the authorized assistance of the Bureau of Reclamation in that ongoing effort is extremely important. The hydrological and geological data, coupled with the expertise of the Bureau's technicians, analysts and planners, are essential to this important effort. While the Bureau could make these resources available to the State of Nebraska without additional authorization through its programs of technical assistance to the States, I agree with key water leaders in Nebraska that it is important that the Bureau be required to give specific, fulltime and on-going support to this effort.

The study which I am proposing in this bill is a logical follow-on to the Platte level B study of recent years, in that it is drafted to require that specific recommendations concerning future projects and programs be made at the conclusion of the study. While the final decisions as to future development in the Platte River Valley are and should be left to those officials of the State of Nebraska and its political subdivisions who are charged with the responsibility for establishing water policy, the assistance authorized in the legislation will help those officials in arriving at the best decisions for sound water development in Nebraska.

The bill before us would authorize a total of $350,000 to be spent on this conflict resolution study. I have been informed that funding in the amount of $150,000 can be expected for fiscal 1983 by the Appropriations Subcommittee on Energy and Water Development, again contingent upon the passage of this authorization.

I would also like to make note of the support of the administration for this bill. The recognition of the need for the type of conflict resolution process embodied in the bill on the part of the administration gives added credibility to this statewide approach which considers all the users and potential users of these and similar natural resources.

Mr. Speaker, I must reemphasize the strong commitment of these projects on the part of the State of Nebraska, a commitment which is indicated by its willingness to devote its own financial resources to join with the Federal Government in a new water development partnership. Finally, I hope that the House will appreciate that commitment, and recognizing the importance of these efforts, give its approval to this bill.

Mr. KAZEN. Mr. Speaker, I have no further requests for time.

Mr. BEREUTER. Mr. Speaker, I yield 5 minutes to the ranking member of the Committee on Interior and Insular Affairs, the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, As a member of Interior's Water and Power Resources Subcommittee and as ranking Republican member of the full Interior Committee, I have had the benefit of hearings on both H.R. 6188 and H.R. 5536. We heard from the administration and from groups within Nebraska. Both bills are supported by the administration and both bills have been reported out of the Interior Committee with a do pass recommendation.

H.R. 6188 sponsored principally by my subcommittee colleague, Mr. BEREUTER, would provide the assistance of the Bureau of Reclamation and other Federal agencies to the State of Nebraska in helping the State do a conflict resolution study for the Platte River Basin from the western border of Nebraska to the confluence of the Platte and Missouri Rivers. This portion of the basin spans the entire State of Nebraska from west to east. In such a study, the local people of the basin would set their own conservation and development priorities. I know of no opposition to this bill and am able to endorse the concept of local people setting their own water resource development and management priorities. Moreover, I think it is appropriate that the bill provide, as it does, that the $175,000 grant provided to the State for the study be matched equally by the State agencies participating in the study.

H.R. 5536 is principally sponsored by VIRGINIA SMITH of Nebraska and is unanimously endorsed by the entire Nebraska delegation. The severe ground water decline problem in the affected area is a matter of concern and would be included by an area ground water model within the feasibility study. I believe it is also appropriate that the bill provide for cost sharing by the Prairie Bend proponents. As we have been informed by the gentlelady from Nebraska during our June subcommittee hearings, the interested parties already have spent more than $400,000 toward the realization of Prairie Bend and are ready to put up an additional $240,000 in cash to get the study under way. Moreover, the committee has provided that any effect of the proposed Prairie Bend unit on the habitat of migratory wildlife such as sandhill cranes be specifically included in the feasibility study provided for by H.R. 5536.

I urge my colleagues to support H.R. 6188 and H.R. 5536, both important matters of water resources within Nebraska.

● Mr. CLAUSEN. Mr. Speaker, I am pleased to speak today in favor of H.R. 6188, a bill to assist the State of Nebraska in a conflict resolution study for the Platte River Basin. I have agreed to cosponsor the bill with my subcommittee colleague, Mr. BEREUTER, of Nebraska, because I firmly believe that it will not only help resolve the competitive interests in and demands on the water resources within Nebraska's Platte River Basin, but also it could serve as a positive precedent for other regions and for the Nation as a whole.

Mr. Speaker, as a member of the Committee on Interior and Insular Affairs and as the ranking Republican member of its Subcommittee on Water and Power Resources, I have for many years been involved with and interested in water resource management and development. I have long urged taking an integrated, coordinated approach to water resources management and planning and generally prefer that to a piecemeal, project-by-project one. H.R. 6188 represents the former approach, which is clearly my preference, rather than the latter, piecemeal one and I commend Mr. BEREUTER and his constitutents within Nebraska for bringing this matter through the subcommittee, the full committee, and now to the floor of the House.

Under this bill, various Federal agencies, led by the Bureau of Reclamation, would assist the State of Nebraska in resolving the conservation and development demands and interests and in setting specific priorities for the entire Platte River Basin from the Western Border of Nebraska to the confluence of the Platte and Missouri Rivers. The study participants would be broadly constituted with a wide diversity of interests and great deal of local input. As close to a consensus as is possible should be arrived at as a result of this study. Equally importantly, those making the decisions and setting the priorities will be doing so for themselves, a situation which should serve to enhance the soundness of the results.

I urge my colleagues to support H.R. 6188 as an enlightened approach to

water resources management and development.●

● Mr. DAUB. Mr. Speaker, I rise in strong support for the enactment of H.R. 6188, a bill which provides for the participation of the Department of the Interior in a study of the water use and development of the Platte River.

The Platte River is Nebraska's primary source of water and it meets the needs of our cities and towns as well as the agriculture demands of the State. This study will entail the cooperative resources of the Nebraska Natural Resources Commission and the Bureau of Reclamation together with other Federal agencies which will produce, I believe, a report that for years hereafter will be instrumental in decisionmaking with regard to the Platte River.

Mr. Speaker, I would like to take this occasion to commend my colleague, friend, and fellow Nebraskan DOUG BEREUTER for his leadership in this matter. The people of Nebraska's First District—as well as all in Nebraska who depend on the Platte—are well served by his dedication, intelligence and legislative skill.●

Mr. KAZEN. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SEIBERLING). The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the bill, H.R. 6188, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 4961, MISCELLANEOUS REVENUE ACT OF 1981

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the conferees on the bill, H.R. 4961, may have permission to file the conference report thereon at any time until midnight tomorrow, August 17.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

FEASIBILITY STUDIES, CENTRAL PLATTE VALLEY, NEBRASKA

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5536) to authorize the Secretary of the Interior to engage in feasibility studies of water resource development and for other purposes in the Central Platte Valley, Neb., as amended.

The Clerk read as follows:

H.R. 5536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in a feasibility study for the Prairie Bend unit, Pick-Sloan Missouri River Basin program, located in Dawson, Buffalo, and Hall Counties in Nebraska for irrigation stabilization of ground-water levels, enhancement of water quality, small community and rural domestic water supplies, management of fish and wildlife habitat, public outdoor recreation, flood control, and other purposes determined to be appropriate. Such feasibility study shall include a detailed report on any effects the proposed project may have on wildlife habitat, including habitat of the sandhill crane and the endangered whooping crane. Before funds are expended for the feasibility study, the State of Nebraska, or other non-Federal entity, shall agree to participate in the study and to share in the cost of the study. The non-Federal share of the costs may be partly or wholly in the form of services directly related to the conduct of the study.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. KAZEN) will be recognized for 20 minutes, and the gentleman from Nebraska (Mr. BEREUTER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5536) to authorize the Secretary of the Interior to engage in a feasibility study of water resource development and for other purposes in the Central Platte Valley, Nebr.

Mr. Speaker, H.R. 5536, as amended by the Committee on Interior and Insular Affairs, would authorize the Secretary of the Interior to engage in a feasibility study for the Prairie Bend unit of the Pick-Sloan Missouri River Basin program. The proposed Prairie Bend unit would be located in central Nebraska.

Local entities have already contributed more than $400,000 to water quality studies and the bill requires the State of Nebraska or some other non-Federal entity to participate and share in the cost of the feasibility study. It is expected that the Secretary of the Interior will require that this share be a reasonable share and not merely a token contribution. According to the Bureau of Reclamation, the study will take 4 years to complete and will cost $1,600,000. Enactment of the bill is supported by the administration.

The area where the Prairie Bend unit would be located is predominately agricultural with several rural towns. Private development of well irrigation has resulted in declining ground-water levels, deteriorating ground-water quality and degradation of waterfowl habitat. Furthermore, some of the creeks and drains in the area experience frequent flooding.

This study will examine the feasibility of a multipurpose project which would maintain a reliable irrigation economy through conjunctive use of ground and surface water, provide flood protection, assist in maintaining desired habitat for migratory birds, provide for water-based recreation, improve ground water quality and regulate streamflows.

Mr. Speaker, the Interior Committee amended H.R. 5536 to require the Secretary of the Interior to include in the feasibility study a detailed report on any effects the proposed project might have on wildlife habitat, including habitat of the sandhill crane and the endangered whooping crane. The inclusion of this requirement demonstrates the committee's particular concern over allegations that habitat for the sandhill crane and the endangered whooping crane might be adversely affected by the construction of this proposed project. The committee makes it perfectly clear that the feasibliity study report should contain the type of detailed information relating to the effects the proposed project might have on wildlife habitat that will enable the Congress to make an informed judgement should authorizing legislation for the project be proposed and considered.

Mr. Speaker, I urge my colleagues to support this bill and I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 5536, would authorize a feasibility study of the Prairie Bend unit in central Nebraska. The Prairie Bend project was originally proposed in 1976. It would provide direct irrigation water for approximately 70,000 acres in central Nebraska and will also help to recharge local ground water tables in an additional 136,000 acres of an area which has suffered some of the most significant declines of any area of Nebraska in recent years. The project enjoys overwhelming local support and the support of the Governor of Nebraska, the Nebraska Natural Resources Commission, the Interagency Water Coordinating Committee, and the entire Nebraska delegation in the U.S. House of Representatives. Similar legislation has been introduced in the Senate and

is included in the omnibus feasibility study bill which is currently awaiting consideration in that body. Funds for commencing the feasibility study in fiscal 1983 are expected to be included in the energy and water appropriation measure to be considered later this year.

The study would develop and assess multiobjective alternatives to irrigate up to about 70,000 acres of land using water from the Platte River, stabilize ground water in an area of about 136,000 total acres, provide outdoor recreation, maintain and enhance habitat for water-fowl including the endangered whooping crane, enhance the quality of ground water and other beneficial uses. The study would evaluate the availability of water resources in the area for all beneficial uses and the physical and economic feasibility of alternatives.

The Prairie Bend unit is located in a predominately agricultural area with several rural-orientated towns. The closest large metropolis is Grand Island, Nebr., a city of over 30,000 population. Private well irrigation development has resulted in declines in ground water levels causing increased pumping lifts, operating costs, and energy use. Some of the area and towns are experiencing deteriorating ground water quality and are having to seek other locations for wells for domestic and municipal uses. Pumping may be affecting the wet meadow complexes which are necessary habitat for the endangered whooping cranes and other migratory water fowl. Also some of the creeks and drains in the area experience frequent flooding. Development of a multipurpose project would maintain a reliable irrigation economy by means of conjunctive use of ground and surface water, provide flood protection, assist in maintaining desired habitat for migratory birds including the sandhill and whooping cranes and other wildlife, provide for water-based recreation, a sports fishery, save energy, and improve ground water quality and regulate streamflows.

The Central Nebraska Conservancy Association and the Central Platte Natural Resource Districts are sponsors of the project and are seeking authorization for feasibility studies. The Central Nebraska Conservation Association has water right application on file with the State of Nebraska to divert a portion of the Platte River in the off-season for irrigation and offstream storage. They have held numerous meetings within the area and have obtained overwhelming local support.

I would like to point out that this bill has the support of the administration, and the Bureau of Reclamation has expressed its willingness to move forward with the study as soon as funds are made available.

Mr. Speaker, the potential effects of actual construction of the Prairie Bend project upon the habitat of the sandhill cranes and the endangered whooping crane is an important issue. The area downstream from the proposed project area is a prime habitat of these graceful and magnificent birds, and of course any adverse impact upon that area must be given the most serious consideration before any project can be authorized. In fact, during committee consideration of this bill, I supported an amendment to specifically require a detailed study of those effects, even though I was confident that the environmental impact statement associated with the feasibility study would do so in the absence of such an amendment.

Mr. Speaker, one particular aspect of the bill, the cost-sharing arrangement by which the local sponsoring agencies have agreed to accept a substantial portion of the cost, is a significant step for the Congress to take in authorizing feasibility studies for water projects. The willingness of the potential beneficiaries to bear that cost is indicative of the strong support in the local area, and will serve as an example for future project sponsors that they will henceforth be expected to contribute to meeting the cost of these projects and the associated studies. The adoption of this bill by the House, as well as the previous bill, marks the dawning of a new day in water resource development, with the inclusion of these cost-sharing provisions.

Mr. Speaker, with these comments, I urge my colleagues to lend their support to the passage of this measure under suspension of the rules.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Speaker, I am very pleased to be able to rise in support of and to have been afforded the opportunity to offer such a worthy and greatly-needed piece of legislation. Concerned and dedicated residents of the Prairie Bend region in Nebraska have carefully and meticulously built a State and local consensus of support such that I have never seen paralleled.

As a result of these painstaking efforts to demonstrate the pressing need for water conservation and improved water management in this region, the domestic budget-conscious administration fully endorses this project and included a request for $150,000 in its fiscal year 1983 budget estimate to begin this study.

The State of Nebraska also endorses this project, as well as numerous water project organizations, chambers of commerce, service clubs, city and county commissions, and thousands of citizens have expressed themselves formally and in writing in support of this project.

Local support is so strong that these groups have collectively spent more than $400,000 toward this study alone, and have an additional $240,000 in cash ready to help start the study. Also, more than 300 farmers have assessed themselves 10 cents an acre to join the Prairie Bend Association in hopes of such a feasibility study being conducted.

Although the efforts of these people, combined with the overall support this project has received, is important, the reason we should approve this study today is because of the urgent need to conserve and better manage water within the Central Platte Valley of Nebraska.

An irrigation and ground-water recharge project must be developed to combat the declining water table in the area, as well as declining production of many wells if the economy and well-being of the area is to be preserved. Residents of this area are highly dependent upon irrigated agriculture, and decreasing ground-water supplies are their primary water source.

Unfortunately, ground-water levels have been declining while pumping costs have increased. This has resulted in a reduction in well production as ground water levels have declined as much as 25 feet in recent years, and are expected to decline further.

Another serious problem is that the 125,000 residents in the eastern half of this region must rely on ground water for drinking water that is contaminated to the point that many municipalities have abandoned wells because of impurity levels which exceed the U.S. Public Health Service's published maximum safe levels for human consumption.

Corrective action must be taken soon or thousands of irrigated acres will be reverted to dryland, and costs of water treatment for human consumption will continue to rise. Responsible water management, which can only be achieved through a carefully planned program, appears to be the only solution.

Furthermore, even though our major water problems are related to inadequate ground-water supplies, the area also experiences periodic flooding. The flood of June 1967 caused more than $30 million worth of damage in the eastern half of the region, and such a disaster could easily happen again if proper preventive action is not taken.

In addition, there are other water-related needs in this area. Because the Prairie Bend area of the Platte River basin is a sanctuary for up to 7 million migratory waterfowl each year, we must maintain adequate water supplies for them. Also, there are many

water-related recreation facilities that can only be maintained through better water-management programs.

Therefore, because of the genuine need for such a project, as well as the many groups and organizations that have worked for years toward insuring a comprehensive multipurpose water-resource project is implemented in this area so major water-related problems can be averted, the Prairie Bend feasibility study deserves this body's full support.

Mr. KAZEN. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I would like to thank the distinguished gentleman from Texas (Mr. KAZEN) for his outstanding cooperation and leadership on this legislation and to extend those thanks and compliments also to the gentleman from Arizona (Mr. UDALL) and the staff members on both sides of the aisle.

I yield back the balance of my time.

● Mr. CLAUSEN. Mr. Speaker, I urge the passage of House Resolution 5536 which provides for a feasibility study of the proposed Prairie Bend unit located within the Central Platte Valley of Nebraska. The potential area which would be served by any future Prairie Bend project is north of the Platte River between Kearney and Grand Island, Nebr.

During hearings before the Interior Committee's Subcommittee on Water and Power Resources, all three of our Nebraska colleagues in the House of Representatives spoke in favor of the feasibility study. The gentlelady VIRGINIA SMITH, as principal sponsor, HAL DAUB from the Second District, and my subcommittee colleague, DOUG BEREUTER personally appeared before the subcommittee to make the point that the feasibility study for which the administration already has included $150,000 in its fiscal year 1983 budget should go forward.

The study provided for by this bill is supported by the administration which also appeared before the subcommittee. While House Resolution 5536 authorizes no specific amount of funds, the administration plans 4 years to complete the study and has already provided for the study in its 1983 budget.

During the subcommittee hearings, there appeared to be enthusiastic support for the study from other than elected officials as well. These proponents consisted of those affected in the local area by the current problems and included numerous citizens groups as well as the Central Nebraska and Twin Valley Conservation Associations and the Central Platte Natural Resource District. As ranking Republican member of the Water and Power Resources Subcommittee, I have over the years participated in a great many hearings on different proposed projects, and I must say that I was impressed by the diversity and the unanimity of the supporters of the study provided for by this bill.

The information provided the subcommittee indicated problems of a declining ground-water level and increasing pumping depths and costs. The ground water table decline has occurred over the past 30 years and is expected to continue. One study projected that by the year 2020, half of the 80 percent of the wells in the area pumping entirely from shallow gravel and sand aquifers will dry up. This could very well result in cropland reverting to dryland in the absence of other wells into the deeper Ogallala Aquifer. This study would investigate ways to stabilize the ground-water level over approximately 136,000 acres and would include a mathematical ground water model. Moreover, the unit, if constructed, would provide direct surface water service for up to 32,000 acres.

During full Interior Committee markup, we made the requirement to study the effect on wildlife an express provision of the bill specifically to make sure that the impact on the habitat of sandhill cranes and whooping cranes, if any, was taken into account. The Interior Committee reported H.R. 5536 out as amended with a do pass recommendation.

I would think that even the opponents of a Prairie Bend project would want to know whether or not the project is feasible. I urge my colleagues to support the feasibility study provided for in H.R. 5536.●

● Mr. DAUB. Mr. Speaker, we face a number of problems in the years ahead nationally that we in Nebraska are looking at today. The demands for water will increase but as we all know our supplies are not without limit.

In this bill we seek to analyze the water resource development in the Central Platte Valley in Nebraska.

Within the Prairie Bend Unit of the Pick-Sloan Missouri Basin we seek to answer the questions concerning the use of water, whether it be for irrigation, recreation, wildlife, or to insure that ground water tables are stabilized and of good quality. We seek answers not only to these problems for today's use but so as to insure that we make decisions with the future in mind, for it is our children that will surely suffer or benefit from the decisions we make.

I would like to point out that Mrs. SMITH and Mr. BEREUTER have, in my mind, exercised great wisdom in their support of this legislation. The people of Nebraska are well served by the thoughfulness and commitment we see evidenced by this legislation.

Water will be the great question for the rest of this century. The experience we undertake in the next few years will largely shape our reaction to it and the wisdom with which we address it.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the bill, H.R. 5536, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "a bill to authorize the Secretary of the Interior to engage in a feasibility study of water resource development and for other purposes in the Central Platte Valley, Nebr."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JOINT CHIEFS OF STAFF REORGANIZATION ACT OF 1982

Mr. WHITE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6954) to amend title 10, United States Code, to provide for more efficient and effective operation of the Joint Chiefs of Staff and to establish a Senior Strategy Advisory Board in the Department of Defense.

The Clerk read as follows:

H.R. 6954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Joint Chiefs of Staff Reorganization Act of 1982".

JOINT CHIEFS OF STAFF

SEC. 2. Section 141(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) A member of the Joint Chiefs of Staff may submit to the Secretary of Defense any opinion in disagreement with military advice of the Chairman or the Joint Chiefs of Staff. After first informing the Secretary of Defense, a member of the Joint Chiefs of Staff may submit to the President any opinion in disagreement with military advice of the Chairman or the Joint Chiefs of Staff.".

CHAIRMAN OF JOINT CHIEFS OF STAFF

SEC. 3. Section 142(b)(3) of title 10, United States Code, is amended by striking out "have not agreed" and inserting in lieu thereof "have agreed and have not agreed and provide military advice in his own right".

DEPUTY CHAIRMAN OF JOINT CHIEFS OF STAFF

SEC. 4. (a)(1) Chapter 5 of title 10, United States Code, is amended by inserting after section 142 the following new section:

"§ 142a. Deputy Chairman

"(a)(1) There is a Deputy Chairman of the Joint Chiefs of Staff. The Deputy Chairman shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman and Deputy Chairman may not be members of the same armed force.

"(2) The Deputy Chairman serves at the pleasure of the President for a term of up to two years and may be reappointed in the same manner for one additional term, except that in time of war declared by Congress there is no limit on the number of reappointments.

"(b) The Deputy Chairman acts as Chairman in the absence or disability of the Chairman and exercises such duties as may be delegated by the Chairman with the approval of the Secretary of Defense. When there is a vacancy in the office of Chairman, the Deputy Chairman, unless otherwise directed by the President or Secretary of Defense, shall perform the duties of the Chairman until a successor is appointed.

"(c) The Deputy Chairman may attend all meetings of the Joint Chiefs of Staff but may not vote on a matter before the Joint Chiefs of Staff except when acting as Chairman in the absence of disability of the Chairman or when there is a vacancy in the office of Chairman.

"(d) The Deputy Chairman, while so serving, holds the rank of general or, in the case of an officer of the Navy, admiral. The Deputy Chairman may not exercise military command over the Joint Chiefs of Staff or any of the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 142 the following new item:

"142a. Deputy Chairman.".

(b) Section 525(b)(3) of such title is amended by inserting "or Deputy Chairman" after "Chairman".

JOINT STAFF

SEC. 5. (a) Subsection (a) of section 143 of title 10, United States Code, is amended to read as follows:

"(a)(1) There is under the Joint Chiefs of Staff a Joint Staff consisting of not more than four hundred officers. The members of the Joint Staff shall be selected by the Chairman of the Joint Chiefs of Staff in approximately equal numbers from—

"(A) the Army;

"(B) the Navy and the Marine Corps; and

"(C) the Air Force.

"(2) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

"(3) Officers assigned to the Joint Staff shall be assigned for a period of three years, except that in time of war there is no limit on the tenure of members of the Joint Staff. Members of the Joint Staff serve at the pleasure of the Secretary of Defense, and the tenure of a member of the Joint Staff may at the discretion of the Secretary of Defense be extended for a period of up to three additional years.

"(4) Except in time of war, officers completing a tour of duty with the Joint Staff may not be reassigned to the Joint Staff for a period of not less than three years following their previous tour of duty on the Joint Staff, except that selected officers may be recalled to Joint Staff duty in less than three years with the approval of the Secretary of Defense in each case. The number of such officers recalled to Joint Staff duty in less than three years shall not exceed one hundred serving on the Joint Staff at any one time.".

(b) Subsection (c) of such section is amended by striking out ", on behalf of the Joint Chiefs of Staff" and inserting in lieu thereof "in the performance of those duties".

(c) Subsection (d) of such section is amended by inserting "and the Chairman" after "Joint Chiefs of Staff".

(d) Such section is further amended by adding at the end thereof the following new subsections:

"(e)(1) Subject to guidelines established by the Secretary of Defense, each officer serving as a chief of service or as the commander of a unified or specified command may have an opportunity to provide formal comments on any report or recommendation of the Joint Staff prepared for submittal to the Joint Chiefs of Staff before such report or recommendation is submitted to the Joint Chiefs of Staff. A copy of any such comment shall at the discretion of the officer submitting the comment, be included as an appendix in the submittal of such report or recommendation to the Joint Chiefs of Staff. For purposes of this paragraph, the chiefs of service are the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

"(2) The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff, and the members of the Joint Staff, support the Chairman of the Joint Chiefs of Staff and the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces.

"(f)(1) The Secretary of Defense, in consultation with the Chairman, shall ensure that officer personnel policies of the armed forces concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff.

"(2) In the case of an officer who has served on the Joint Staff and who is selected for recommendation to the President for appointment to a grade above major general or rear admiral, the Chairman shall submit to the President, at the same time as the recommendation for such appointment is submitted, the evaluation of the Chairman of the performance of that officer as a member of the Joint Staff.".

SENIOR STRATEGY ADVISORY BOARD

SEC. 6. (a)(1) Chapter 7 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 178. Senior Strategy Advisory Board

"(a) There is established in the Department of Defense a Senior Strategy Advisory Board. The Board shall, from time to time, provide such advice and recommendations on matters of military strategy and tactics as it considers appropriate to the President, the Secretary of Defense, and the Joint Chiefs of Staff.

"(b)(1) The Board shall consist of ten members appointed by the President from among retired officers in the grade of general or admiral, who, while on active duty, served as a member of the Joint Chiefs of Staff or as the commander of a unified or specifed command.

"(2) Each member of the Board shall be appointed for a term of five years, except that—

"(A) a member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term;

"(B) a member whose term of office has expired shall continue to serve until his successor is appointed; and

"(C) of the members first appointed, three shall be appointed for a term of one year, three shall be appointed for a term of three years, and four shall be appointed for a term of five years, as designated by the President at the time of appointment.

Members whose terms has expired may be reappointed for one additional term.

"(3) The Chairman of the Board shall be designated by the President from among the members of the Board.

"(c) The Board shall meet regularly at the call of the Chairman or a majority of the members of the Board, but not less often than once each month.

"(d) Members of the Board are not entitled to compensation for service on the Board but may be paid per diem and travel and transportation allowances authorized under section 5703 of title 5.

"(e) The Board shall continue in existence until terminated by law.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item: "178. Senior Strategy Advisory Board.".

(b) Section 178 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1982.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. WHITE) will be recognized for 20 minutes, and the gentleman from Virginia (Mr. WHITEHURST) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, serious organizational flaws mar the performance of the Joint Chiefs of Staff. As a result, our highest military body might fail to function adequately in case of war. And, as was the case during World War II, World War I, and as far back as the Spanish-American War, we would be faced with the necessity of making fundamental changes to our military organization in the midst of a crisis. The most casual observer must realize that there may not be time for such a realignment in a future conflict. Equally important in a continual-

ly threatening peacetime environment, timely, clear-cut, realistic, feasible, and prudent professional military advice is often not available to civilian leaders. Consequently, the influence of the military in civilian counsel has diminished over time and, because decisions must nevertheless be made, has often been overshadowed by civilian analysts.

Those and many other significant criticisms of the joint military structure are voiced persuasively by an impressive body of critics who recently shared their views with the Congress.

On February 3, 1982, Gen. David C. Jones, the Chairman of the Joint Chiefs of Staff, announced in a hearing before the Armed Services Committee that he was concerned about basic shortcomings in the organization of the Joint Chiefs of Staff. He further stated that he intended to submit proposals to correct those shortcomings and would work to achieve their acceptance throughout the remaining months of his tenure and thereafter. Though the joint military structure has received much criticism over the years, it was nevertheless unprecedented for an incumbent Chairman of the Joint Chiefs of Staff to fault the organization in such explicit terms and announce a determined reform effort. Almost as extraordinary was the subsequent action of Gen. Edward C. Meyer, the Army Chief of Staff, who joined General Jones in criticizing the present structure and suggested that the Chairman had not gone far enough in his recommendations for change.

Prompted by the actions of two of the most senior Armed Forces officers in the Nation, the Investigations Subcommittee of the Armed Services Committee began hearings on JCS reorganization on April 21, 1982. The subcommittee found near unanimous agreement that organizational problems hamper the performance of the present Joint Chiefs of Staff. But it learned that views diverge on what, if anything, should be done to correct the existing deficiencies.

This section will outline the organizational problems of the existing military structure. It will then explain the proposed Armed Services Committee approach to correcting those deficiencies through legislation and a program of more intense legislative oversight.

Title 10 of the United States Code states that the Joint Chiefs of Staff "are the principal military advisers to the President, the National Security Council, and the Secretary of Defense." The advice rendered by the JCS as a corporate body at present is often inadequate. The joint military system is slow to develop formal military positions. As a result, JCS advice often is not available when needed. When formal advice is finally rendered, its form and substance has been so diluted by the joint staffing process, which in effect gives each service a veto on every word, that it is of little use to civilian leaders. According to former Secretary of Defense Harold Brown:

> When it comes to the formal product, the papers that come up through the Joint Staff that are approved by the action officers, the planners, the various desks, and the chiefs themselves, and to which they put their signatures, are almost without exception either not very useful or the reverse of being helpful. That is, worse than nothing. I think that is the difference between the people and the system.

The advice rendered by the JCS is also faulted for a lack of realism and the absence of strategic content. The structure of the Joint Chiefs is such that the group often cannot deal realistically with issues which affect service interests. Those issues include matters of fundamental importance to national security: The allocation of resources to various defense missions; the unified command plan which assigns the geographical and functional responsibilities of field commanders; roles and missions of the services; and joint doctrine and training. Concerning strategic thought, witnesses suggested that the multitude of disparte responsibilities shouldered by the chiefs leaves little time or inclination for reflective strategic analysis.

Witnesses uniformly distinguished between the performance of individual service chiefs, whose personal advice was given high marks, and the performance of the JCS as a group of advisers acting collegially. Thus, the hearings clearly indicated that JCS problems are organizational in nature and by no means reflect on the competence of the members. Among the most significient of the organizational problems which the committee proposes that Congress do something about through legislation are the following:

The contradiction between the responsibilities of an individual as a member of the Joint Chiefs of Staff and as chief of his service. As a JCS member, a chief is called upon to transcend service interest and participate in developing advice from a joint, unified military perspective—a "national" viewpoint. Yet, as a chief of service, the same individual is looked upon as its principal advocate. General Jones emphasized that:

> If a chief departed a great deal, and consistently, from what came up through the system—from his service—he would be in danger, as has happened in the past, of losing the support of his service.

Also contradietory is the time demanded by the dual responsibilities of the chiefs. Gen. Omar Bradley once indicated that he did not have time to do both jobs well. And General Meyer emphasized this point forcefully during the hearings.

The limitations of the Joint Staff. The quality of Joint Staff work is adversely affected by a number of restrictions. Some of these constraints are contained in present legislation; others result from the overwhelming influence exerted by service interests on the joint military organization. In combination, the restrictions have a number of adverse results: A lack of Joint Staff continuity because assignments are legally limited to 3 years; no guarantee that the most outstanding officers will be assigned to this most important and complex of U.S. military staffs; and crippling procedural constraints that give inordinate influence to service staffs, thereby preventing the Joint Staff from authoring its own work.

Though the hearings revealed a number of other significant problems, the Armed Services Committee choose to attack the most serious, improving the quality of military advice, in H.R. 6954 for several reasons. The legislative measures required to remove restrictions and make the joint military organization more independent are relatively clear cut, modest, and noncontroversial. Moreover, they may possibly be sufficient in themselves with respect to necessary changes in the law because the Secretary of Defense possesses significant authority to initiate internal reorganization without resort to Congress. A larger purpose of H.R. 6954 is to encourage internal Department of Defense action. The committee intends to monitor the process through periodic oversight hearings. In the meantime, the committee would much rather err on the side of caution than to strike out into the uncharted waters of fundamental organizational change. If joint military performance does not improve sufficiently as a result of H.R. 6954 and subsequent Defense Department action, the Congress can always reexamine the organization and implement any additional changes which may be necessary.

Another reason for a modest approach is the reservations expressed by some witnesses who, despite generally acknowledging that problems exist, oppose organizational change. The bill is designed to address many of the major areas of concern voiced by advocates of reorganization while accommodating, through specific legislative provisions, the reservations of opponents. H.R. 6954 does this, however, without in any way diminishing its overall purpose of improving the quality of military advice for civilian leaders and thereby restoring the military voice to its appropriate stature in the highest councils of government.

A brief summary of the provisions in the bill illustrates the committee approach. The Chairman of the JCS would become responsible for providing military advice in his own right as

well as acting as the spokesman for the Joints Chiefs of Staff and reporting to the Secretary of Defense and President those issues on which the JCS have agreed and have not agreed.

Any member of the Joint Chiefs of Staff who disagrees with military advice of the Chairman of the Joints Chiefs of Staff would be authorized to submit his views to the Secretary of Defense and, subsequently, to the President.

A Senior Strategy Advisory Board composed of retired former members of the Joint Chiefs of Staff and commanders of unified and specified commands would provide advice to the President, Secretary of Defense, and Joint Chiefs of Staff on military strategy and tactics. They would serve without compensation except for per diem and travel expenses.

To assist the JCS Chairman in carrying out his responsibilities, a Deputy Chairman would be created who would act as Chairman in the absence or disability of the Chairman and exercise such duties as may be delegated by the Chairman with the approval of the Secretary of Defense. The Deputy Chairman would be permitted to attend JCS meetings but would participate as a full member only when acting for the Chairman in the latter's absence or disability. The Deputy Chairman would be of a different service from the Chairman.

Joint Staff officers would be selected solely by the JCS Chairman from among the most outstanding service officers submitted by the respective services. The Secretary of Defense, in consultation with the Chairman, would be responsible for insuring that personnel policies of the Armed Forces concerning promotion, retention, and assignment of officers give appropriate consideration to the performance of an officer as a member of the Joint Staff. The JCS Chairman would be required to submit to the President an evaluation of the performance of an officer who had served on the Joint Staff when he was recommended for promotion above major general or rear admiral.

Length of assignment to the Joint Staff, presently limited to 3 years, could be extended at the discretion of the Secretary of Defense up to 3 additional years. The limit on the number of officers serving on the Joint Staff who had been recalled to Joint Staff duty in less than 3 years would be increased from 30 to 100.

The Joint Staff would become responsible for supporting the JCS Chairman as well as the Joint Chiefs. The Chairman's responsibility for managing the Joint Staff would continue as in present law. His management, however, must take cognizance of the Joint Staff charter and would include providing support for himself as well as the Joint Chiefs of Staff. Subject to guidelines established by the Secretary of Defense, chiefs of service and unified and specified commanders would have an opportunity to provide formal comments on Joint Staff reports or recommendations prepared for the Joint Chiefs of Staff.

The Secretary of Defense would be responsible for insuring that the Joint Staff is independently organized and operated to support the Joint Chiefs of Staff and the Chairman in meeting the congressional purposes expressed in the National Security Act of 1947 to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces.

Let me now turn to one explanation of the provisions in the bill. First, provisions designed to expand and strengthen the sources of military advice.

Although the committee agrees that the dual responsibilities of service chiefs may undermine the advisory capability of the Joint Chiefs of Staff as a corporate group with respect to certain issues, it is not prepared to admit that the JCS is fatally flawed. For one thing, a range of important issues do not involve service conflicts. Little criticism of JCS performance in those areas was heard during the hearings. Another consideration stems from review of the types of issues on which the Joint Chiefs of Staff allegedly stumbles. Decisions concerning such issues as resource allocation, roles and missions, and doctrine would cause intense internal conflicts within the Department of Defense whether it were organized into services, as at present, or in some other way. Those conflicts have their counterparts in most other large organizations, both public and private. Eliminating the Joint Chiefs of Staff or installing a single military individual in its stead, to whom the JCS would provide advice, would by no means eliminate the conflicting issues which must be resolved. Such measures would merely lessen the potential influence of individuals representing the collective knowledge and experience of the organizations most qualified to judge land, sea, and air warfare issues. Consequently, the committee proposes to expand and strengthen the sources of military advice, retaining the JCS as the principal military advisers.

H.R. 6954 would accomplish the committee purpose by establishing a Senior Strategy Advisory Board, strengthening the JCS Chairman's role as a military adviser, and creating a deputy chairman to assist the Chairman in his added responsibilities.

The Board will fill the void in reflective thinking on military matters emphasized by several witnesses, particularly with respect to long-range strategy. It will consist of 10 retired generals or admirals who, while on active duty, served on the Joint Chiefs of Staff or as a commander of a unified or specified command. The Board will provide such advice and recommendations on military strategy and tactics as it considers appropriate to the President, the Secretary of Defense, and the Joint Chiefs of Staff. It should be provided appropriate staff support by the Department of Defense, access to all necessary documents, and the requisite call on information from throughout the Department.

The Chairman of the Joint Chiefs of Staff is uniquely qualified to assume additional responsibilities as an adviser championing the unified military viewpoint. He is the only member of the Joint Chiefs of Staff who has no service responsibilities. Though Chairmen continue to wear the uniform of their services, experience has shown that they have traditionally assumed a joint or unified perspective in evaluation military issues, unbiased by former service ties.

H.R. 6954 makes the Chairman responsible for providing military advise in his own right and gives him access to the Joint Staff for assistance in developing his formal positions. Though his advisory responsibility is not confined by the bill to any one area, the committee intends that the Chairman give special attention to those issues which the collegial JCS has been unable to address effectively—for example, resource allocation, roles and missions, the unified command plan, and joint doctrine and training. The committee also intends for the Chairman to forge stronger links with the unified commanders in developing his positions. He should serve as their spokesman in Washington, establishing priorities and integrating their recommendations, into a coherent set of combatant command proposals.

Strengthening the Chairman's advisory role should provide an opportunity for Defense Department action which would relieve the present burden of the service chiefs by diminishing the issues they address as members of the JCS and making it less difficult for them to arrive at joint positions articulated by the Chairman. Evolution along these lines is not meant to stifle legitimate dissent, however. To insure open channels for expressing opposing views, H.R. 6954 provides that a Chief may submit any opinion in disagreement with the military advice of the Chairman or the Joint Chiefs of Staff to the Secretary of Defense, and subsequently, to the President.

Although the argument for creating a Deputy Chairman is strengthened by the provisions which increase the Chairman's responsibilities, establishing the position makes sense in any case. The JCS Chairman is the senior

military officer in the United States. His responsibilities are in proportion to his rank. Yet, unlike the Secretary of Defense, secretaries of the military departments, or chiefs of each service, the Chairman has no deputy. As a consequence, when he is absent the acting chairmanship is often passed among the other chiefs. Testimony revealed that it was not uncommon for the acting Chairman to change numerous times within a few days during the Chairman's absence. Adm. Carl Thor Hanson, a former Director of the Joint Staff, testified:

During one week of my Director's tour, we had, as I recall, seven changes of the Acting Chairman. There was a fairly active crisis at the time and each rotation involved an updated briefing book for the new Acting Chairman and the resultant quickly and possibly inadequately absorbed knowledge.

On more than a few occasions during my tour as Secretary Brown's Military Assistant, I recall his frustration with having to take a quickly and inadequately briefed Acting Chairman to an NSC, SCC, or PRC meeting when then-Chairman Gen. George Brown was out of town. Although theoretically any member of the Joint Chiefs of Staff should be completely conversant with all national security issues, practically the responsibilities of being a Service Chief simply preclude complete familiarity with the complex national security issues faced by the Chairman and the Secretary of Defense daily.

H.R. 6954 would correct this situation and provide added support and continuity in the performance of the Chairman's responsibilities.

I now turn to provisions designed to improve staff support. First, Joint Staff personnel.

Testimony revealed a number of disincentives which at times have had the effect of discouraging officers from seeking Joint Staff assignments. Promotions of Joint Staff members have lagged. Services disagree on the caliber of the officers who should be assigned. Joint Staff influence is perceived as limited; as a result, officers who seek challenge may avoid Joint Staff service.

The committee considers the Joint Staff the preeminent U.S. military staff. The personnel provisions of H.R. 6954 are designed to insure that the committee's conviction concerning the Joint Staff become manifest in the structure of the Department of Defense. The bill clearly requires assignment of the most outstanding service officers to the Joint Staff. To insure that result, the bill provides that selection of Joint Staff assignees shall be made solely by the Chairman of the Joint Chiefs of Staff from service lists containing only officers considered to be among the most outstanding.

The bill also includes two provisions concerning promotions. First, it requires the JCS Chairman to submit an evaluation to the President of the performance of any officer who has worked on the Joint Staff and who is recommended for promotion to a grade above major general or rear admiral. Second, the bill makes the Secretary of Defense, in consultation with the Chairman, responsible for insuring that Joint Staff officers receive equitable career rewards for their performance. Because the demands and complexity of Joint Staff work require talented and dedicated officers, the committee is convinced that performance at the Joint Staff level should be considered a mark of distinction deserving special attention by promotion boards. Though no individual should be guaranteed advancement as a result of Joint Staff service, statistical analyses of serving and former Joint Staff officers should be developed and monitored to insure that Joint Staff performance is given appropriate consideration.

Next, provisions which would improve Joint Staff continuity and experience. Existing legislative provisions limiting Joint Staff assignments to 3 years and prohibiting reassignment in less than 3 years—except for 30 officers—erect insuperable obstacles to staff continuity. At present, the average Joint Staff assignment is less than 30 months; that means the entire staff turns over every 2½ years and the average experience level of Joint Staff officers is less than 15 months.

The legislative faults are compounded by poor Department of Defense management. General Jones indicated that only 2 percent of the Joint Staff officers have previous Joint Staff experience. Moreover, he reported that only 13 percent of middle grade Joint Staff officers, and less than 25 percent of the colonels and Navy captains, have joint schooling.

General Jones remarked to Congressmen:

It is just as though every time you went through an election and came to Washington, you had a whole new staff and only two percent of them ever had any experience in the Congress.

H.R. 6954 relaxes the legislative restrictions on Joint Staff assignments. It provides that the Secretary of Defense may extend the 3-year assignment for as much as an additional 3 years. Also, as many as 100 Joint Staff members, as opposed to 30 at present, could return to Joint Staff duty in less than 3 years. These less restrictive provisions should afford the flexibility needed to overcome the deficiencies in Joint Staff continuity. At the same time, retaining legislative constraints on the tenure of Joint Staff assignments continues safeguards against the possibility, however remote, that the Joint Staff could evolve into a powerful, self-sustaining, elite military organization superimposed between civilian authorities and the services and combatant commands.

The bill does not address the problems of Joint Staff inexperience caused by faulty Department of Defense personnel management procedures and inattention to joint education. Several witnesses discussed these problems during the hearings. Based on their thoughtful comments, the committee is convinced of the seriousness of those problems and the necessity for corrective measures. But legislative relief is not required. Consequently, the committee intends to monitor Defense Department actions to resolve the problems relating to Joint Staff experience identified in the hearings.

Finally, I will review provisions to improve Joint Staff management and procedures, and establish a Joint Staff charter.

At present the Joint Staff is smothered by complex, voluminous operating procedures which insure that the services control the form and content of Joint Staff work. Although the Chairman manages the Joint Staff, by law, he does so on behalf of the Joint Chiefs. And the Chiefs, over time, have developed an ironclad system which protects service interests and, as a corollary, tends to convert the Joint Staff into an executive secretariat dependent on service staffs.

The following description of the joint staffing process graphically illustrates the debilitating effects of the present system. It is excerpted from an answer for the record received from the Chairman of the Joint Chiefs of Staff.

General Jones. A typical joint staffing action can be illustrated by outlining how a request from the Secretary of Defense for JCS views on an important defense issue would be handled.

The Joint Staff action officer is under institutional pressure to find a position with which each of the Services can agree * * *. Likewise, the Service action officers are under institutional pressure to insure that Service roles and missions are not abridged, that major Service weapons systems are emphasized, and that a proposed strategy does not imply more than a fair share of emphasis for another Service.

The Joint Staff action officer must prepare the initial draft of the response—called the Flimsy. In doing so, he or she is bound to consider the views of the Service action officers and the appropriate CINCs. . . . Each Service representative might write a portion of the paper, a portion of the paper might be provided by a CINC or his staff, or the Joint Staff A/O might assume the entire task. Generally, because the Service staffs are larger and have Service-unique data and analysis not available to the Joint Staff, the Joint Staff action officer is very dependent on Service Staff inputs.

Once the Flimsy is prepared, the Joint and Service action officers meet to discuss its content. . . . For a substantive paper of some length, each Service action officer may have as many as 100 recommended changes. They quickly learn the art of compromise—each agreeing to support the balance of the changes proposed by the other in return for equal support. The Joint Staff

action officer then publishes a Buff paper—reflecting the consensus of the meeting. . . .

Each of the action officers who worked on the Flimsy takes the Buff paper to his Service or Joint Staff planner (O-6). . . . There may be as many as 20 issues left to be resolved. The Planners generally are able to resolve all but two or three of them. The Joint Staff Planner then . . . publishes a final draft on Green paper.

The Service A/O and Planner present the Green to their Service Operations Deputy (on some occasions an additional review layer—the Deputy Operations Deputy—is added).

The Operations Deputies represent the first level of review at which a truly joint perspective is brought to bear on the issue. However, the Operations Deputies are dual-hatted, as are the Chiefs, and they are under great institutional pressure to represent Service as well as national interests.

. . . Significant compromise may occur at this level of review. Yet to be resolved issues and divergent views, if any, are highlighted, and the Green is placed on the agenda for the Chiefs to consider.

The Chiefs then consider the Green, make adjustments as necessary, and send the paper to the SECDEF.

In sum, the current Joint Staff process encourages compromise, relies too heavily on Service participation, and depends on staff officers who are well versed in Service interests but are ill prepared to address issues from a joint perspective.

The committee intends that Joint Staff procedures be revised to insure its independence and focus its efforts toward achieving joint military objectives. H.R. 6954 provides that the JCS Chairman shall manage the Joint Staff in the performance of its duties. Moreover, it directs the Secretary of Defense to insure that the Joint Staff is independently organized and operated. Finally, it provides a charter for the Joint Staff which prescribes the objective of its duties: To support the Chairman and the Joint Chiefs of Staff in meeting the purposes set forth in the National Security Act of 1947 (50 U.S.C. 401) to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces. These provisions provide unmistakable authority for the Chairman to revise the current joint staffing procedures and a corresponding responsibility to do so in shaping the Joint Staff to fulfill its charter. In addition, the provisions vest ultimate responsibility in the Secretary of Defense who is charged with insuring Joint Staff independence and that the charter be followed.

H.R. 6954 also modifies the terms of reference for managing the Joint Staff. It removes the condition that the Chairman's management shall be "on behalf of the Joint Chiefs of Staff." Thus the Chairman's authority is independent of the JCS. But his management must conform to the Joint Staff charter and would be subject to challenge by the JCS if that body deems Joint Staff support inadequate to its needs. Finally, the provisions would also give the Chairman latitude to elicit Joint Staff support in the performance of his duties as a military adviser in his own right.

An additional provision insures that the Joint Staff will continue to receive information from the services and the combatant commands with respect to reports and recommendations prepared for the Joint Chiefs of Staff. As previously emphasized, the committee intends H.R. 6954 to establish conditions in which the Joint Staff is the independent author of its own work. But the committee does not intend to diminish the vital channels of communication between the Joint Staff, services, and combatant commands which are necessary to provide the basic information necessary for competent staff work. To maintain continued intimate interaction among the various military elements as well as insure that channels for dissent remain open, H.R. 6954 provides that, subject to guidelines established by the Secretary of Defense, each officer serving as a chief of service or as the commander of a unified or specified command may have an opportunity to provide formal comments on any report or recommendation of the Joint Staff prepared for submission to the Joint Chiefs of Staff before the report or recommendation is submitted.

Mr. WHITEHURST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill H.R. 6954 and urge my colleagues to support it.

This legislation will improve the quality, timeliness, and realism of military advice rendered to the civilian elements of government, and I strongly support it.

During hearings on JCS reform, witnesses repeatedly emphasized a number of organizational problems which impact adversely on the adequacy of military advice at present. We are grateful to Gen. David C. Jones and Gen. Edward C. Meyer for speaking out. The committee also appreciates all of the other witnesses, military and civilian, who gave us the benefit of their views on the functioning of the Joint Chiefs of Staff. I am convinced that the generals' diagnosis is essentially correct because their testimony so closely parallels that of many of the other witnesses, including former Secretaries Harold Brown, Elliott Richardson, David Packard, Stuart Symington, Maxwell Taylor, Brent Scowcroft, and Richard Steadman.

Congress has a constitutional responsibility "to raise and support armies * * * to provide and maintain a Navy; [and] to make rules for the Government and regulation of the land and naval forces." In view of that responsibility, we cannot ignore the problems so forcefully brought to our attention during the hearings on JCS reorganization.

To overcome the organizational problems, H.R. 6954 would strengthen the military structure in three areas. First, the bill would create a Deputy Chairman of the Joint Chiefs of Staff who would act as Chairman in the absence or disability of the Chairman, and exercise such other duties as might be delegated.

Second, the bill would strengthen the channels for providing military advice. Though the Joint Chiefs of Staff would remain the principal military advisers, the bill would establish a Senior Strategy Advisory Board to advise the President, the Secretary of Defense, and JCS on matters of military strategy and tactics. The bill would also make the JCS Chairman responsible for providing military advice in his own right. It would provide, however, that any member of the Joint Chiefs of Staff who disagreed with military advice of the Chairman or the Joint Chiefs might submit his own views to the Secretary of Defense and the President.

Third, the bill would modify and add several provisions to existing law relating to the Joint Staff to insure assignment of outstanding officers, strengthen Joint Staff career incentives, increase Joint Staff continuity and independence, and afford the JCS Chairman greater personnel, supervisory, and management latitude and staff support. It would also safeguard the right of service chiefs and field commanders to comment formally on Joint Staff reports and recommendations.

Mr. Speaker, I acknowledge that H.R. 6954 is not as far-reaching as many witnesses proposed. Several recommended downgrading or eliminating the Joint Chiefs of Staff. The JCS would either become an advisory body to the Chairman, who would become the principal military adviser, or the JCS would be disbanded in favor of a National Military Advisory Council no longer tied to the services. Many of those who support H.R. 6954 agree that fundamental changes along those lines may eventually be required. At the present time, however, such far-reaching reforms do not appear possible. In the absence of such radical reforms, the provisions of this bill are steps in the right direction.

Consequently, I strongly recommend acceptance of H.R. 6954. As the gentleman from Texas, who deserves tremendous credit for his work on this legislation, has stated, this bill may be sufficient to overcome the current organizational problems. That will depend on whether the Defense Department undertakes concerted action to implement it and initiates other reforms internally. If joint military per-

formance does not improve sufficiently, the Congress will have ample opportunity to take further steps in the future. For today, H.R. 6954 represents significant progress, and I urge the Members' support.

Mr. WHITE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I am pleased to support the bill H.R. 6954, the Joint Chiefs of Staff Reorganization Act.

While the bill does not attempt to address all of the deficiencies in the Joint Chiefs of Staff organization, it attempts to solve some of the more important problems. One such solution is the establishment of the Senior Strategy Advisory Board which will provide advice and recommendations on military strategy and tactics to the President, the Secretary of Defense, and the Joint Chiefs of Staff.

The Joint Chiefs of Staff are chiefs of their respective services as well as members of the Joint Chiefs. Consequently, they must divide their time and energies between the day-to-day direction of their services and their duties as principal military advisers to the national command authorities. Both are full-time jobs and even the outstanding men who have been cnosen for these very demanding positions have been unable to find sufficient time to perform both. As a result, current problems which are the most urgent have received most of their attention while long-range planning and studies have suffered; not because of lack of interest, but because of lack of time. General Meyer proposed that the service chiefs be relieved of their Joint Chiefs of Staff responsibilities and be allowed to devote their full time to leadership and management of the services.

Meanwhile, there is a vast reservoir of military experience which at present is largely unused. There are the men who have been Chairmen or members of the Joint Chiefs of Staff, for example, General Jones and Adm. Thomas Hayward, or who have commanded one of the unified or specified commands were of the stature of the late Admiral McCain, for example. In retirement, these men are free of the training, procurement, and operational requirements which always bedevil the members of the Joint Chiefs of Staff. They have the time to study the long-range problems and to evaluate possible solutions. Moreover, they no longer have the demand for loyalty to a particular service so that they can view matters from a true joint perspective.

The Senior Strategy Advisory Board will be composed of such retired generals and admirals who were members of the Joint Chiefs of Staff, or commanders of combatant commands. They will be free to concentrate exclusively on planning, both strategic and tactical. They will be able to bring their vast experience to these issues. Unencumbered with other responsibilities, they can study these problems and present their recommendations and advice to the Joint Chiefs of Staff as well as the President and the Secretary of Defense.

As we found in our hearings, the people who make the strategy today are not the Joint Chiefs of Staff. Much of our strategy is being developed by civilians who have never been in combat or by some lieutenant who starts the paper which then goes to some lieutenant colonel. By the time it comes up to the Joint Chiefs of Staff level, as two or three witnesses testified, they have practically no time to spend on analyzing it or developing an alternative. And that, after all, is one of our big weaknesses. The services have all kinds of acquisition people and weapons development people, but nobody knows a thing about how to fight a war. That is what we need in this modern Army and Navy, in my judgment, and that is what this Advisory Board is intended to supply.

This Board is patterned on something that prevailed in the Navy for many years, and something that has been a tradition in Japan. The General Board in the Navy was a group of senior retired Navy officers who would provide advice and recommendations to the Chief of Naval Operations. The Japanese had a tradition that once their admirals and generals retired—and I think it was also senior civilian people—they would become what were called Genro and were an unofficial body which advised the Emperor when he had momentous decisions to make—for example, at the beginning of World War II, whether to go along with the military and declare war; and later of course, the agonizing decision of whether to surrender.

Mr. Speaker, I believe the Senior Strategy Advisory Board will fill a void in our strategic planning.

I urge my colleagues to vote for passage of H.R. 6954.

Mr. WHITE. Mr. Speaker, I commend the gentleman from New York for his efforts on behalf of this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. DAN DANIEL), and I also wish to commend him for his efforts on behalf of his bill.

Mr. DAN DANIEL. Mr. Speaker, I rise in support of H.R. 6954. This legislation represents a tremendous amount of productive effort by the chairman of the Investigations Subcommittee, Congressman WHITE. I want to commend the gentleman from Texas for his dedication and resourcefulness in crafting this bill. He has characterized it as a "modest proposal." In some respects, it is. But it addresses the major areas of concern emphasized by several witnesses during the hearings and at the same time accommodates the reservations expressed by others. It is the most significant legislation with respect to the organization of the Joint Chiefs of Staff in almost a quarter of a century.

My major interest is to improve the quality of advice given our highest civilian authorities by the uniformed services. It is the judgment of this Member that the quality of that advice must improve. Former Secretary of Defense Harold Brown told the subcommittee that the formal advisory documents forwarded by the JCS are "not very useful." At the same time, Dr. Brown hastened to praise the competence of the individual chiefs. So it is the procedure that needs correcting.

The Joint Chiefs of Staff, with unsurpassed experience and resources to judge particular land, sea, and air warfare issues, will remain responsible for giving advice from a "national" perspective. Their contributions will be most valuable on issues which involve more than one service—that is, issues the Chiefs traditionally have trouble addressing realistically. Since one of my principal concerns is readiness, I favor this change because I foresee the Chairman, in developing his joint advice, forging stronger ties with the unified and specified commanders and placing greater emphasis on addressing and improving readiness in our field commands.

Finally, the Senior Strategy Advisory Board should add that element of reflection to strategic thinking, long-range planning, and military tactics which has often been lacking.

In sum, this is a balanced, well-thought-out piece of legislation that is long overdue. I strongly urge passage of H.R. 6954.

Mr. WHITE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I have always been very much concerned—as a matter of fact, since the adoption of the 1947 Reorganization Act—that the Congress has not addressed itself to what I think the debate during the consideration of the Reorganization Act called for, and that was a continuing review by the Congress. The 1947 act was not viewed then as sort of an edict, as holy scripture, and, as a matter of fact, the first Secretary of Defense, Secretary Forrestal, had to come in, less than 1 year after he had assumed office, for a very significant amendment to that.

Then, subsequent to that time, we had such things as the Bay of Pigs, for example, and the kind and pattern of judgment-making decisions, evaluations, that heretofore, before the Reorganization Act, and when you had

the old Department of War, I do not think would have permitted, even though it was a rigid system, which obviously mandated the system that the Congress sanctioned with the 1947 act, nevertheless I doubt seriously that such a thing as the Bay of Pigs and the admixture since World War II of the military, political, social, even, complexity of the decisions have been addressed by the Congress.

Mr. WHITE. Mr. Speaker, the gentleman has a very important point. I think that the gentleman will find that we have addressed most of the gentleman's concerns.

Mr. GONZALEZ. But does not this tend to further complicate the cumbersomeness of getting the purely military judgment-making evaluations?

When we reach the point where a President is making telephone decisions on a platoon basis in the field, there is something terribly wrong, in my opinion. And when you have such things as last-minute decisions predicated on military know-how, military expertise, such as, should the President call in air support on the so-called Bay of Pigs invasion?

Now, it seems to me that unless this will tend to reduce the continuance of that discrepancy in being able to get the military expertise and judgment in that level, not into the political level, that unless this addresses itself to that, it will just further compound it.

Mr. WHITE. Mr. Speaker, the gentleman is absolutely right in his concern. We have addressed this in two facets. One would be an advisory council in the board that the gentleman from New York (Mr. STRATTON) has provided for, and in the streamlining that the bill provides for in the deputy chairman, and the better use of the staff. All of these things are directed to more crisp, better military advice.

I want to thank the gentleman for his observation.

Mr. GONZALEZ. Mr. Speaker, I want to thank the gentleman and say that my distinguished colleague, the gentleman from Texas, has been a very valuable member of the Armed Services Committee, and perhaps this will be one of the last formal pieces of legislation he is handling. I hope not. But his departure from the Congress is to be regretted, in that he has been a very strong stalwart of proper levels and realistic levels of defense.

I am glad that this issue is being addressed, because we have just had the recent experience of the outgoing Joint Chief of Staff General Jones, which I think really is tragic in the manner in which he was permitted to go, and clearly revealed the continuing dilemma in this area.

So I compliment the gentleman for his leadership in trying to address himself to that problem.

● Mr. DICKS. Mr. Speaker, the House just completed debate on the fiscal year 1983 defense authorization bill, which provides for substantial increases in real defense spending. I agree that our national security requires real growth in the resources we allocate to defense. But bolstering budgets will produce fewer defense benefits than desired unless U.S. leaders stand back, survey the strategic forest instead of the tactical trees, stress proven principles and press for practical change.

Unfortunately, sound cohesive strategies all too often fail to shape the requirements for the U.S. Armed Forces, and we will continue to pay more than necessary for capabilities that fail to match ends with means until the shortcoming is corrected.

In fact, if our increased spending commitments are not properly applied they could in fact weaken our security by eroding the public consensus in support of a strengthened defense effort.

There is a general and growing consensus that we have serious problems in our defense planning structure. These weaknesses are not unique to this administration and are at least in large part of an organizational nature. As a member of the Defense Appropriations Subcommittee I am disturbed by the all-too-common fascination with a particular weapon system and the lack of an appreciation of how it fits into an overall fighting strategy and how it compares to other options to meet the agreed-upon goal.

It was for these reasons that last year I requested the Congressional Research Service to perform a major study of this Nation's defense planning apparatus. Mr. John Collins, senior specialist in national defense at CRS has labored hard on this study and it is due to be published shortly. I am confident that it will serve to help stimulate debate on this important issue and shed light on the shortcomings of the present situation.

Central to any improvements must be actions relating to the Joint Chiefs of Staff, who are by law designated as the principle military advisers to the President, and in reality to the Congress.

The present structure has many shortcomings. It allows interservice rivalries to flourish because the Joint Chiefs also serve as Chiefs of their respective services and the Joint Staff is dependent on service staffs for support. There is a lack of realism and absence of strategic content, in the view of many, in JCS positions. The Joint Chiefs are slow to develop positions and when they finally do, they are often diluted beyond usefulness.

These problems exist not because JCS officers and staff are doing less than their best. They are the result of both organizational and longstanding attitudinal factors. We can address the portion of the problem that is organizational through corrective legislation, and H.R. 6954 is a productive step in that direction. And we can encourage a change in the attitudinal precedents by demonstrating the concern of the Congress and providing opportunities to make these changes. This is perhaps the more important aspect of H.R. 6954 and one that can be monitored by close oversight.

We are very fortunate that as the result of some courageous men, the issue of JCS reform has reached more than the talking stage. Much credit must be given to Gen. David Jones, the recently retired chairman of the Joint Chiefs of Staff. It was he who took the first bold step and proposed comprehensive structural changes while still serving as chairman. Recognition is also due Gen. E. C. Meyer, Chief of Staff of the Army who followed on Chairman Jones proposals and made even more dramatic suggestions for changes in defense planning through the JCS.

Finally, and most importantly I want to commend Chairman WHITE. All to often in the past, there has been a tendency to miss opportunities to push needed changes, and not stick to them when the focus of national attention has subsided. It would have been easy, especially in light of the institutional resistance to change that always exists, to let the issue slip back into obscurity. But Chairman WHITE did quite the opposite. The Investigations Subcommittee began a long and very comprehensive series of hearings on the issue beginning on April 26. It was my privilege to have an opportunity to express my concerns and present the results of Mr. Collins' examination of JCS problems on May 5. Overall, the chairman's hearings received the learned observations of a wide range of both incumbent and retired military and civilian personnel that have worked intimately with the Joint Chiefs. The forum these hearings presented was in and of itself an extremely valuable contribution to the national security debate.

But hearings alone will not correct the problem, action is required. This bill, H.R. 6954 is that action, and I am convinced it will produce immediate and beneficial changes in the way the Joint Chiefs operates and in the product it produces.

The bill takes a number of steps to improve the ability of the JCS to provide quality and timely military advice. First, for the first time it gives the Chairman responsibility to provide military advice in his own right in addition to his role as spokesman for the Joint Chiefs. This will allow him to avoid the time consuming and softening process of the present JCS bureaucracy and should produce the

kind of frank assessments that we policymakers urgently require. In addition the bill calls for dissenting views from other Joint Chiefs who may disagree with the Chairman. I think this provision is most important, because I am one who believes the best decisions are those that are made after decisionmakers have been presented with the entire range of arguments on an issue. This is the cornerstone of our legal and legislative process, and it is high time it was introduced into the open in the field of strategy development.

This legislation also creates a Deputy JCS Chairman. This step will not only give the Chairman critical support in carrying out his awesome responsibilities but will improve continuity in JCS operations that is lacking under the present rotating acting Chairman concept.

A final provision relating to the military advice function of the JCS is the creation of a Senior Strategy Advisory Board composed of former retired members of the Joint Chiefs and commanders of unified and specified commands. This is a very important, and I think positive concept. This Nation should take better advantage of the accumulated wisdom of its past leaders, and this Board could provide the structural mechanism to better accomplish this. While some details may have to be modified because of the pioneering nature of this Board, we should make sure that its essence is implemented.

The bill also makes a number of changes relating to the Joint Staff. All of us in the Congress recognize the importance of quality staff support to proper decisionmaking. But the present Joint Staff has shortcomings due to lack of continuity, lack of rewards in joint service, and inadequate size in relation to service staffs.

In order to insure that the most outstanding service officers are assigned to the critical joint planning role, and to insure that proper rewards are in place to encourage officers to seek these posts, the bill gives the Secretary of Defense responsibility to insure that policies of the armed services concerning promotion, retention, and assignment of officers give appropriate consideration to the performance of an officer as a member of the Joint Staff. In addition, H.R. 6954 provides guarantees of Joint Staff independence and establishes a new charter, to provide the climate that will allow needed attitudinal changes within DOD and the services to be implemented.

A step that appears modest, but which has very important implications is the authority to lengthen assignments and to return more officers to the Joint Staff without a 3-year absence. One observer likened the present situation to a House Member having an entirely new staff after every election. Clearly we need more experienced personnel in the Joint Staff, and I am confident we can do that without any danger of creating an overpowering "General Staff".

H.R. 6954 does not seek radical or fundamental changes. I for one think that additional reforms may be needed. For instance the central issue of the dual-hat status of JCS members is not addressed in this bill.

But on many of these issues, there is not a clear-cut consensus. And I think it is important to enact legislation that will make real and immediate improvements in the Joint Chiefs and will foster needed attention to additional oversight both within the Department and on the Hill.

H.R. 6954 is an important vehicle for beginning our quest to improve the strategic planning structure. More may be needed in the JCS, and certainly the other factors, including DOD, the National Security Council, and the Congress must be looked at. I am confident that Chairman WHITE will follow through on this task and maintain the type of detailed oversight he has already so ably conducted.

In doing so, we can better insure that our costly, but necessary investment in national defense will not go for naught.●

Mr. WHITE. Mr. Speaker, H.R. 6954 is designed to address the most pressing JCS organizational problems and leave others for future resolution, quite possibly through internal Defense Department measures and without recourse to legislation. This approach by the Armed Services Committee is not intended to infer that the other organizational problems are insignificant. To the contrary, in some cases, they rank in importance with those addressed in H.R. 6954. Though legislation may not be required, periodic legislative oversight may be necessary until Congress is satisfied with the revised organizational structure.

Among those problems not addressed in H.R. 6954 and which should be the subject of executive and legislative branch attention are the following:

First, the chain of command from the President to the unified and specified commanders who lead U.S. forces in the field. The chain now runs by law fromthe President to the Secretary of Defense to the unified and specified commanders. By Pentagon directive, the Joint Chiefs have been inserted in the chain of command so that in practiceit runs from the Secretary of Defense throught the JCS to the unified and specified commanders.

A number of witnesses during the hearing on JSDC reorganization expressed concern that a committee, the JSC, has been included into the chain of commmand. Those witnesses recommended placing a single military indivual in the chain.

Within our present organizatioon, that individual would be the JCS Chairman. By law, however, the JCS Chairman is prohibited from exercising "military command over the Joint Chiefs of Staff or any other Armed Forces." It is not clear whether that provision precludes the Chairman from replacing the JCS because the Defense Department directive merely routes the chain throught the JCS. In any case, the Department of Defense should study the issue and initiate measures to streamline the chain of command if that is required. If one of those measures is legislative relief fromthe prohibition against command by the Chairman, the Department should submit a legislative proposal forthwith.

Second, education and training of officers for joint assignments. The Department of Defense operates a number of educational institutions whose purpose is to prepare officers for joint duty. Among them are the Armed Forces Staff College, the Industrial College of the Armed Forces, and the National War College. Yet the hearings revealed that only 13 percent of middle-grade Joint Staff officers, and less than 25 percent of the colonels and Navy captains, have joint schooling. That is only one of a number of indications that disconnects exist between the educational input at the schools and joint performance output on the various joint military staffs. The Department of Defense should take action to tailor the career development of officers selected for joint duty to insure their military education and experience equip them for such assignments.

Third, position of the unified and specified commanders in the joint military organizations. A number of witnesses suggested that the unified and specified commanders, who would be responsible for leading our combat forces in wartime, are not influential enough in the peacetime Defense Department organization to have a sufficient hand in shaping the forces with which they would have to fight. Among the reasons given for the relative weakness of the combatant commanders are insubstantial links to Washington; a unified commander organizational structure which features strong service components rather than a more unified approach; overwhelming service influence over the component commands of the unified commands; absence of independent, integrated, uniform readiness assessments by unified commanders from an overall theater perspective; and headquarters organizations which are not staffed to relate readiness assessments to resource allocation recommendations. The Secretary of Defense

should assess the appropriate position of the unified and specified commanders in the joint military organization and insure that they are equipped to meet the requirements of that position.

The serious problems summarized here by no means exhaust the issues which the hearings on JCS reorganization revealed. Those hearings should be studied carefully by the Department of Defense. And the above issues, as well as many other discussed by a host of conscientious and thoughful witnesses, should be addressed expeditiously.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW, AUGUST 17, 1982, TO FILE CONFERENCE REPORT ON H.R. 6955

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow to file a conference report on the bill, H.R. 6955.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. WHITE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITEHURST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. WHITE) that the House suspend the rules and pass the bill, H.R. 6954.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 6954, just passed.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT ON TUESDAY, WEDNESDAY, AND THURSDAY OF THIS WEEK DURING 5-MINUTE RULE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is meeting under the 5-minute rule on Tuesday, Wednesday, and Thursday of this week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON S. 2248

Mr. PRICE submitted the following conference report and statement on the bill (S. 2248) to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize supplemental appropriations for fiscal year 1982, to provide additional authorizations for fiscal year 1982, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 97-749)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2248) to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize supplemental appropriations for fiscal year 1982, to provide additional authorizations for fiscal year 1982, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That this Act may be cited as the "Department of Defense Authorization Act, 1983".

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of aircraft, missiles, weapons and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $2,541,600,000.

For missiles, $2,846,600,000.

For weapons and tracked combat vehicles, $4,707,600,000.

For ammunition, $2,486,400,000.

For other procurement, $4,391,100,000.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of aircraft for the Navy in the amount of $11,304,600,000.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

For missile programs, $3,058,600,000.

For the MK-48 torpedo program $134,300,000.

For the MK-46 torpedo program $141,200,000.

For the MK-60 torpedo program $151,400,000.

For the MK-30 mobile target program, $19,400,000.

For the MK-38 mini-mobile target program, $2,300,000.

For the anti-submarine rocket (ASROC) program, $10,100,000.

For the modification of torpedoes, $89,300,000.

For the torpedo support equipment program, $66,900,000.

For the MK-15 close-in weapons system program, $118,700,000.

For the MK-75 76-millimeter gun mount program, $10,700,000.

For the MK-19 gun mount program, $400,000.

For the 25-millimeter gun mount program, $400,000.

For the modification of guns and gun mounts, $19,700,000.

For the guns and gun mounts support equipment program, $17,500,000.

(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for fiscal year 1983 for shipbuilding and conversion for the Navy as follows:

For the Trident submarine program, $1,786,000,000.

For the CVN nuclear aircraft carrier program, $6,795,300,000.

For the SSN-688 nuclear attack submarine program, $1,443,400,000.

For the battleship reactivation program, $417,400,000.

For the aircraft carrier service life extension program, $699,500,000.

For the CG-47 Aegis cruiser program, $3,134,400,000.

For the LSD-41 landing ship dock program, $417,000,000.

For the LHD-1 air-capable amphibious ship program, $55,000,000.

For the FFG-7 guided missile frigate program, $706,400,000, of which $40,000,000 is available only for an X-band phased array radar.

For the mine countermeasures (MCM) ship program, $371,600,000.

For the T-AO fleet oiler ship program, $320,000,000.

For the ARS salvage ship program, $84,000,000.

For the TAKRX fast logistic ship program, $322,600,000.

For the TAHX hospital ship program, $300,000,000.

For service craft and landing craft, $162,100,000.

For outfitting, post delivery, cost growth, and escalation on prior year programs, $828,100,000.

For ship contract design, $97,200,000.

For the manufacturing technology program, $25,000,000.

(d) OTHER.—Funds are hereby authorized to be appropriated for fiscal year 1983 for other procurement for the Navy in the amount of $3,936,500,000, of which—

(1) the sum of $568,900,000 is available only for the ship support equipment program;

(2) the sum of $1,484,600,000 is available only for the communications and electronics equipment program; and

(3) the sum of $786,200,000 is available only for the ordnance support equipment program.

(e) PROCUREMENT, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement for the Marine Corps (including missiles, tracked

combat vehicles, and other weapons) in the amount of $2,131,600,000.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $17,485,700,000.

For missiles, $6,038,700,000.

For other procurement, $5,656,700,000.

(b) Of the funds authorized to be appropriated in this section for aircraft for the Air Force, the sum of $186,100,000 is available only for contribution by the United States as its share of the cost for fiscal year 1983 of acquisition by the North Atlantic Treaty Organization of the Airborne Warning and Control System (AWACS).

(c) Of the funds authorized to be appropriated in this section for missiles for the Air Force, the sum of $988,000,000 is available only for the Advanced Intercontinental Ballistic Missile (MX) program. Of such amount, $158,000,000 is authorized for basing and deployment and may not be obligated until the President completes his review of alternative MX missile system basing modes and notifies the Congress, in writing, of the basing mode in which the MX missile system will be deployed and thirty days of session of Congress have expired after the receipt by Congress of such notice. For the purpose of determining days of session of Congress under the preceding sentence, there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or an adjournment sine die.

AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE COMPONENTS

SEC. 104. (a) Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, other weapons, and other procurement for the reserve components of the Armed Forces as follows:

For the Army National Guard, $50,000,000.

For the Air National Guard, $30,000,000.

For the Army Reserve, $30,000,000.

For the Naval Reserve, $30,000,000.

For the Marine Corps Reserve, $30,000,000.

For the Air Force Reserve, $30,000,000.

(b) The authorizations of appropriations contained in subsection (a) are in addition to any other amounts authorized to be appropriated by this or any other Act.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 105. Funds are hereby authorized to be appropriated for fiscal year 1983 for procurement by the Defense agencies in the amount of $859,600,000.

CERTAIN AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 106. Effective on October 1, 1982, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1982" both places it appears and inserting in lieu thereof "fiscal year 1983".

REQUIREMENTS RELATING TO MULTIYEAR CONTRACTS FOR CERTAIN EQUIPMENT

SEC. 107. (a) Notwithstanding any other provision of law, a multiyear contract for the procurement of any of the equipment listed in subsection (b) may not be entered into until—

(1) the Secretary of the military department concerned has submitted to the Committees on Armed Services of the Senate and House of Representatives a written report setting forth the justification for entering into a multiyear contract for the procurement of the equipment concerned; and

(2) a period of 30 days has elapsed after the date on which the report is received by those committees.

(b) The equipment referred to in subsection (a) is the following:

(1) F-111 weapon navigation computers.

(2) C-2 aircraft.

(3) EA-6B aircraft.

(4) A-6E aircraft.

(5) MULE laser designators.

(6) CH-53E helicopters.

(7) MLRS rocket systems.

(8) ALQ-136 radio jammers.

ENHANCEMENT OF NORTH AMERICAN AIR DEFENSE COMMAND LOW LEVEL RADAR CAPABILITIES IN FLORIDA

SEC. 108. The Secretary of the Air Force, using funds available under section 103, may acquire one tethered aerostat radar set (of the type currently in use at Cudjoe Key, Florida) for deployment at Kennedy Air Force Station, Florida. Concurrently with such procurement, the Secretary shall provide for necessary improvements to the radar set to be acquired and the existing set at Cudjoe Key, Florida. Such improvements and the operation and maintenance of such radar sets may be provided using funds available under this Act.

SECURE COMMUNICATIONS EQUIPMENT AND A SPECIAL CLASSIFIED PROGRAM

SEC. 109. The Secretary of Defense is authorized to procure secure telephone communication systems, including equipment and related items, during fiscal year 1983 for the Department of Defense and other government agencies and entities to support a national program to provide secure telephone service. Of the funds authorized to be appropriated pursuant to this title, not more than $50,000,000 may be used to provide secure telephone equipment and related items to the Department of Defense and other government agencies and entities in support of such a national program. Equipment provided to government agencies and entities outside the Department of Defense under the authority of this section and such related services as may be necessary may be furnished by the Secretary of Defense without reimbursement. In addition, of the funds authorized to be appropriated pursuant to this Act, not more than $132,000,000 is authorized for a special classified program.

PROHIBITION OF ACQUISITION OF 9-MILLIMETER HANDGUN

SEC. 110. None of the funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended in connection with the purchase of a 9-millimeter handgun for the Armed Forces or to carry out any activity concerned with evaluating the feasibility or desirability of purchasing a 9-millimeter handgun for the Armed Forces.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1983 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $3,926,367,000.

For the Navy (including the Marine Corps), $6,179,115,000.

For the Air Force, $10,720,884,000, of which $1,000,000 is available only for research, development, test, and evaluation of the C-17 type cargo transport aircraft.

For the Defense Agencies, $2,271,503,000, of which $55,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1983 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

(c) Of the total amount authorized to be appropriated in this section for research, development, test, and evaluation for the Air Force related to the basing of the MX missile system, $715,000,000 may not be obligated until the President completes his review of alternative MX missile system basing modes and notifies the Congress, in writing, of the long-term basing mode in which the MX missile system will be deployed and thirty days of session of Congress have expired after the receipt by Congress of such notice. For the purpose of determining days of session of Congress under the preceding sentence, there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or an adjournment sine die.

LIMITATION ON FUNDS FOR THE NAVY

SEC. 202. (a) Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) $12,000,000 is available only for the development of a derivative of the Firebolt advanced aerial target;

(2) $15,000,000 is available only for the phased array radar improvement program for the Mark 92 fire control system;

(3) $60,000,000 is available only for the development, test, evaluation, and initial deployment of the 5-inch semi-active laser guided projectile and the Seafire electro-optical fire control system;

(4) $26,500,000 is available only for the Medium-Range Air-to-Surface Missile (MRASM) system;

(5) $138,595,000 is available, subject to subsection (b), only for the DDG-X (DDG-51) ship program;

(6) $900,000,000 is available only for Surface Warfare programs; and

(7) $5,555,000 is available only for the development of an advanced mine to replace the Captor mine.

(b) None of the funds appropriated pursuant to the authorization of appropriations in section 201 for the Navy may be obligated or expended for the DDG-X (DDG-51) ship program until the Secretary of the Navy has submitted to the Committees on Armed Services of the Senate and House of Representatives a plan for the deployment of the 5-inch semi-active laser guided projectile and Seafire electro-optical fire control system concurrently with the deployment of the DDG-51 lead ship.

REQUIREMENT FOR COMPETITION BETWEEN THE AIR FORCE LANTIRN AND FLIR SYSTEMS

SEC. 203. No funds appropriated pursuant to this title for the Air Force may be obligated or expended for the development of the Low Altitude Navigation Targeting System for Night (LANTIRN) system until the Secretary of the Air Force submits to the Commit-

tees on Armed Services and Appropriations of the Senate and House of Representatives a written statement certifying that the LANTIRN program has been restructured to provide a competitive demonstration between the current LANTIRN System and a suitably modified version of the Navy's F/A-18 aircraft FLIR system. The Secretary of the Air Force may not enter into any contract for the production of the Targeting Infrared for Night (TIRN) System until after a competitive demonstration between the LANTIRN System and the suitably modified version of the Navy's F/A-18 aircraft FLIR System has been carried out.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1983 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $16,750,050,000.
For the Navy, $21,702,550,000.
For the Marine Corps, $1,472,500,000.
For the Air Force, $17,339,500,000.
For the Defense Agencies, $5,693,650,000.
For the Army Reserve, $704,889,000.
For the Navy Reserve, $671,700,000.
For the Marine Corps Reserve, $51,115,000.
For the Air Force Reserve, $766,300,000.
For the Army National Guard, $1,166,900,000.
For the Air National Guard, $1,779,000,000.
For the National Board for the Promotion of Rifle Practice, $875,000.
For Defense Claims, $172,500,000.
For the Court of Military Appeals, $3,210,000.

(b) There are authorized to be appropriated for fiscal year 1983, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a);

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by subsection (a).

LIMITATION ON FUNDS FOR SHIP OVERHAULS

SEC. 302. Of the amount appropriated pursuant to authorizations of appropriation in section 301 for the Navy, not more than $2,756,000,000 may be obligated or expended for ship overhauls.

RESTRICTION ON LONG-TERM LEASES OF VESSELS FOR THE NAVY

SEC. 303. (a) None of the funds appropriated pursuant to an authorization of appropriations in section 301 may be obligated or expended in connection with a long-term lease of a vessel for the Navy if the lease includes a substantial termination liability unless and until (1) the Secretary of the Navy has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed lease, and (2) a period of 30 days has elapsed after the date on which such committees receive such notification. Any such notification shall include a description of the terms of the proposed lease and a justification for entering into such a lease rather than obtaining the vessel involved by acquisition.

(b) Subsection (a) does not apply with respect to the lease of a vessel if the vessel was being leased by the Navy on September 30, 1982.

T-5 REPLACEMENT TANKER PROGRAM

SEC. 304. (a) None of the funds appropriated pursuant to authorizations of appropriations in this title for the Navy may be obligated or expended for any activity in connection with the lease of any vessel associated with the T-5 Replacement Tanker program which has a main propulsion system or any other major component not built in the United States.

(b) Subsection (a) does not apply with respect to the lease of a vessel if a contract for the lease of that vessel results from a request for proposal circulated before July 1, 1982.

LIMITATION ON STUDIES OF CONTRACTING-OUT OF CERTAIN COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS

SEC. 305. (a)(1) Except as provided in paragraph (2), funds appropriated pursuant to an authorization of appropriations in this title may not be obligated or expended in connection with any study begun during the period beginning on October 1, 1982, and ending on March 31, 1983, of the benefits or feasibility of contracting for performance by contractor personnel of any commercial or industrial type function or activity of the Department of Defense being performed by Department of Defense personnel on September 30, 1982.

(2) Paragraph (1) does not prohibit the obligation or expenditure of funds in connection with—

(A) any study the purpose of which is to determine the most efficient and cost effective organization of any commercial or industrial type function of the Department of Defense for performance by Department of Defense personnel; or

(B) any study carried out with respect to the contracting for the performance by contractor personnel, rather than Department of Defense personnel, of any of the following:

(i) Custodial functions.
(ii) Laundry functions.
(iii) Refuse collection functions.
(iv) Grounds maintenance functions.
(v) Food service and preparation functions (other than commissaries).
(vi) Base transportation functions.

(b) Of the total amount of funds authorized in this title, $283,800,000 is available only for salaries and other costs for the employment of and performance of functions by direct-hire civilian employees of the Department of Defense in excess of 947,000 such employees.

TITLE IV—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1983, as follows:

(1) The Army, 782,500.
(2) The Navy, 560,300.
(3) The Marine Corps, 194,600.
(4) The Air Force, 592,600.

AUTHORITY TO EXCEED END-STRENGTH AUTHORIZATIONS

SEC. 402. (a) Section 138(c)(1)(A) of title 10, United States Code, is amended by inserting the following new sentence after the first sentence: "The end strength authorized for a component of the armed forces for a fiscal year may be increased by a number equal to not more than 0.5 percent of the total end strength authorized for such component for that fiscal year if the Secretary of Defense determines that such increase is in the national interest.".

(b) The amendment made by subsection (a) shall apply with respect to end strengths for active-duty personnel authorized for fiscal years beginning after September 30, 1981.

QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY

SEC. 403. Effective on October 1, 1982, section 302(a) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 10 U.S.C. 520 note), is amended by striking out "October 1, 1981" and "September 30, 1982" and inserting in lieu thereof "October 1, 1982" and "September 30, 1983", respectively.

SAVING PROVISION FOR CERTAIN ACCRUED LEAVE

SEC. 404. A member of the Armed Forces who was authorized under section 701(f) of title 10, United States Code, to accumulate 90 days leave during fiscal year 1980 and who lost any leave at the end of fiscal year 1981 shall be credited with the amount of the leave lost and may retain leave in excess of 60 days until the end of fiscal year 1982, but in no case may a member accumulate leave in excess of 90 days.

TITLE V—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 501. (a) For fiscal year 1983 the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 407,400.
(2) The Army Reserve, 258,700.
(3) The Naval Reserve, 105,500.
(4) The Marine Corps Reserve, 38,300.
(5) The Air National Guard of the United States, 101,100.
(6) The Air Force Reserve, 66,000.
(7) The Coast Guard Reserve, 12,000.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 502. Within the average strengths prescribed in section 501, the reserve components of the Armed Forces are authorized, as of September 30, 1983, the following number of Reserves to be serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 14,419.
(2) The Army Reserve, 8,251.
(3) The Navy Reserve, 12,038.
(4) The Marine Corps Reserve, 678.
(5) The Air National Guard of the United States, 5,158.
(6) The Air Force Reserve, 479.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 503. (a) The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	265	156	132	6
E–8	1,244	329	441	56".

(b) The columns under the headings "Army", "Air Force", and "Marine Corps" in the table in section 524(a) of such title are amended to read as follows:

"Army	Air Force	Marine Corps
1,351	281	95
671	267	40
234	170	21".

TITLE VI—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 601. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1983, of 1,050,060.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest or if any conversion of commercial- and industrial-type functions from performance by Department of Defense personnel to performance by private contractors which was anticipated to be made during fiscal year 1983 in the Budget of the President submitted for such fiscal year is not determined to be appropriate for such conversion under established administrative criteria, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

TITLE VII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 701. (a) For fiscal year 1983, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 78,311.
(2) The Navy, 66,930.
(3) The Marine Corps, 20,435.
(4) The Air Force, 48,769.
(5) The Army National Guard of the United States, 18,052.
(6) The Army Reserve, 14,579.
(7) The Naval Reserve, 1,000.
(8) The Marine Corps Reserve, 2,971.
(9) The Air National Guard of the United States, 2,328.
(10) The Air Force Reserve, 1,351.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1983 shall be adjusted consistent with the manpower strengths authorized in titles IV, V, and VI of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

EXTENSION OF REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN A UNIT OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS

SEC. 702. Section 602 of the Department of Defense Authorization Act, 1981 (Public Law 96–342; 94 Stat. 1087), is amended by striking out "August 31, 1982" and inserting in lieu thereof "August 31, 1983".

TITLE VIII—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 801. There is hereby authorized to be appropriated for fiscal year 1983 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251–2297) the sum of $152,340,000.

AMOUNT AUTHORIZED FOR CONTRIBUTION FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 802. Notwithstanding the second proviso of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), $60,000,000 of the amount authorized to be appropriated by the first section of this Act is available for appropriations for contributions to the States under section 205 of such Act (50 U.S.C. App. 2286) for personnel and administrative expenses.

TITLE IX—SUPPLEMENTAL AUTHORIZATIONS FOR FISCAL YEAR 1982

PROCUREMENT

SEC. 901. In addition to the funds authorized to be appropriated in title I of the Department of Defense Authorization Act, 1982 (Public Law 97–86; 95 Stat. 1099), there is hereby authorized to be appropriated to the Air Force for fiscal year 1982 for procurement of aircraft the sum of $120,000,000.

OPERATION AND MAINTENANCE

SEC. 902. In addition to the funds authorized to be appropriated in title III of the Department of Defense Authorization Act, 1982, funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for operation and maintenance in amounts as follows:

For the Army, Army Reserve, and Army National Guard, $6,600,000.
For the Navy, the Naval Reserve, and the Marine Corps, $5,000,000.
For the Air Force, Air Force Reserve, and Air National Guard, $25,000,000.
For the Defense Agencies and other Defense-wide activities, $25,800,000.

INCREASE IN END STRENGTH AUTHORIZED FOR THE ARMY FOR FISCAL YEAR 1982

SEC. 903. Section 401 of the Department of Defense Authorization Act, 1982 (Public Law 97–86; 95 Stat. 1104), is amended by striking out "Army, 780,300" and inserting in lieu thereof "Army, 782,500".

TITLE X—FORMER SPOUSES' PROTECTION

SHORT TITLE

SEC. 1001. This title may be cited as the "Uniformed Services Former Spouses' Protection Act".

PAYMENT OF RETIRED AND RETAINER PAY

SEC. 1002. (a) Chapter 71 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§1408. Payment of retired or retainer pay in compliance with court orders

"(a) In this section:

"(1) 'Court' means—

"(A) any court of competent jurisdiction of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands;

"(B) any court of the United States (as defined in section 451 of title 28) having competent jurisdiction; and

"(C) any court of competent jurisdiction of a foreign country with which the United States has an agreement requiring the United States to honor any court order of such country.

"(2) 'Court order' means a final decree of divorce, dissolution, annulment, or legal

separation issued by a court, or a court ordered, ratified, or approved property settlement incident to such a decree (including a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or a court ordered, ratified, or approved property settlement incident to such previously issued decree), which—

"(A) is issued in accordance with the laws of the jurisdiction of that court;

"(B) provides for—

"(i) payment of child support (as defined in section 462(b) of the Social Security Act (42 U.S.C. 662(b)))";

"(ii) payment of alimony (as defined in section 462(c) of the Social Security Act (42 U.S.C. 662(c)))"; or

"(iii) division of property (including a division of community property); and

"(C) specifically provides for the payment of an amount, expressed in dollars or as a percentage of disposable retired or retainer pay, from the disposable retired or retainer pay of a member to the spouse or former spouse of that member.

"(3) 'Final decree' means a decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for taking such appeals under the laws applicable to such appeals, or a decree from which timely appeal has been taken and such appeal has been finally decided under the laws applicable to such appeals.

"(4) 'Disposable retired or retainer pay' means the total monthly retired or retainer pay to which a member is entitled (other than the retired pay of a member retired for disability under chapter 61 of this title) less amounts which—

"(A) are owed by that member to the United States;

"(B) are required by law to be and are deducted from the retired or retainer pay of such member, including fines and forfeitures ordered by courts-martial, Federal employment taxes, and amounts waived in order to receive compensation under title 5 or title 38;

"(C) are properly withheld for Federal, State, or local income tax purposes, if the withholding of such amounts is authorized or required by law and to the extent such amounts withheld are not greater than would be authorized if such member claimed all dependents to which he was entitled;

"(D) are withheld under section 3402(i) of the Internal Revenue Code of 1954 (26 U.S.C. 3402(i)) if such member presents evidence of a tax obligation which supports such withholding;

"(E) are deducted as Government life insurance premiums (not including amounts deducted for supplemental coverage); or

"(F) are deducted because of an election under chapter 73 of this title to provide an annuity to a spouse or former spouse to whom payment of a portion of such member's retired or retainer pay is being made pursuant to a court order under this section.

"(5) 'Member' includes a former member.

"(6) 'Spouse or former spouse' means the husband or wife, or former husband or wife, respectively, of a member who, on or before the date of a court order, was married to that member.

"(b) For the purposes of this section—

"(1) service of a court order is effective if—

"(A) an appropriate agent of the Secretary concerned designated for receipt of service of court orders under regulations prescribed pursuant to subsection (h) or, if no agent has been so designated, the Secretary concerned, is personally served or is served by certified or registered mail, return receipt requested;

"(B) the court order is regular on its face;

"(C) the court order or other documents served with the court order identify the member concerned and include the social security number of such member; and

"(D) the court order or other documents served with the court order certify that the rights of the member under the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.) were observed; and

"(2) a court order is regular on its face if the order—

"(A) is issued by a court of competent jurisdiction;

"(B) is legal in form; and

"(C) includes nothing on its face that provides reasonable notice that it is issued without authority of law.

"(c)(1) Subject to the limitations of this section, a court may treat disposable retired or retainer pay payable to a member for pay periods beginning after June 25, 1981, either as property solely of the member or as property of the member and his spouse in accordance with the law of the jurisdiction of such court.

"(2) Notwithstanding any other provision of law, this section does not create any right, title, or interest which can be sold, assigned, transferred, or otherwise disposed of (including by inheritance) by a spouse or former spouse.

"(3) This section does not authorize any court to order a member to apply for retirement or retire at a particular time in order to effectuate any payment under this section.

"(4) A court may not treat the disposable retired or retainer pay of a member in the manner described in paragraph (1) unless the court has jurisdiction over the member by reason of (A) his residence, other than because of military assignment, in the territorial jurisdiction of the court, (B) his domicile in the territorial jurisdiction of the court, or (C) his consent to the jurisdiction of the court.

"(d)(1) After effective service on the Secretary concerned of a court order with respect to the payment of a portion of the retired or retainer pay of a member to the spouse or a former spouse of the member, the Secretary shall, subject to the limitations of this section, make payments to the spouse or former spouse in the amount of the disposable retired or retainer pay of the member specifically provided for in the court order. In the case of a member entitled to receive retired or retainer pay on the date of the effective service of the court order, such payments shall begin not later than 90 days after the date of effective service. In the case of a member not entitled to receive retired or retainer pay on the date of the effective service of the court order, such payments shall begin not later than 90 days after the date on which the member first becomes entitled to receive retired or retainer pay.

"(2) If the spouse or former spouse to whom payments are to be made under this section was not married to the member for a period of 10 years or more during which the member performed at least 10 years of service creditable in determining the member's eligibility for retired or retainer pay, payments may not be made under this section to the extent that they include an amount resulting from the treatment by the court under subsection (c) of disposable retired or retainer pay of the member as property of the member or property of the member and his spouse.

"(3) Payments under this section shall not be made more frequently than once each month, and the Secretary concerned shall not be required to vary normal pay and disbursement cycles for retired or retainer pay in order to comply with a court order.

"(4) Payments from the disposable retired or retainer pay of a member pursuant to this section shall terminate in accordance with the terms of the applicable court order, but not later than the date of the death of the member or the date of the death of the spouse or former spouse to whom payments are being made, whichever occurs first.

"(5) If a court order described in paragraph (1) provides for a division of property (including a division of community property) in addition to an amount of disposable retired or retainer pay, the Secretary concerned shall, subject to the limitations of this section, pay to the spouse or former spouse of the member, from the disposable retired or retainer pay of the member, any part of the amount payable to the spouse or former spouse under the division of property upon effective service of a final court order of garnishment of such amount from such retired or retainer pay.

"(e)(1) The total amount of the disposable retired or retainer pay of a member payable under subsection (d) may not exceed 50 percent of such disposable retired or retainer pay.

"(2) In the event of effective service of more than one court order which provide for payment to a spouse and one or more former spouses or to more than one former spouse from the disposable retired or retainer pay of a member, such pay shall be used to satisfy (subject to the limitations of paragraph (1)) such court orders on a first-come, first-served basis. Such court orders shall be satisfied (subject to the limitations of paragraph (1)) out of that amount of disposable retired or retainer pay which remains after the satisfaction of all court orders which have been previously served.

"(3)(A) In the event of effective service of conflicting court orders under this section which assert to direct that different amounts be paid during a month to the same spouse or former spouse from the disposable retired or retainer pay of the same member, the Secretary concerned shall—

"(i) pay to that spouse the least amount of disposable retired or retainer pay directed to be paid during that month by any such conflicting court order, but not more than the amount of disposable retired or retainer pay which remains available for payment of such court orders based on when such court orders were effectively served and the limitations of paragraph (1) and subparagraph (B) of paragraph (4);

"(ii) retain an amount of disposable retired or retainer pay that is equal to the lesser of—

"(I) the difference between the largest amount of retired or retainer pay required by any conflicting court order to be paid to the spouse or former spouse and the amount payable to the spouse or former spouse under clause (i); and

"(II) the amount of disposable retired or retainer pay which remains available for payment of any conflicting court order based on when such court order was effectively served and the limitations of paragraph (1) and subparagraph (B) of paragraph (4); and

"(iii) pay to that member the amount which is equal to the amount of that member's disposable retired or retainer pay (less any amount paid during such month pursu-

ant to legal process served under section 459 of the Social Security Act (42 U.S.C. 659) and any amount paid during such month pursuant to court orders effectively served under this section, other than such conflicting court orders) minus—

"(I) the amount of disposable retired or retainer pay paid under clause (i); and

"(II) the amount of disposable retired or retainer pay retained under clause (ii).

"(B) The Secretary concerned shall hold the amount retained under clause (ii) of subparagraph (A) until such time as that Secretary is provided with a court order which has been certified by the member and the spouse or former spouse to be valid and applicable to the retained amount. Upon being provided with such an order, the Secretary shall pay the retained amount in accordance with the order.

"(4)(A) In the event of effective service of a court order under this section and the service of legal process pursuant to section 459 of the Social Security Act (42 U.S.C. 659), both of which provide for payments during a month from the retired or retainer pay of the same member, such court orders and legal process shall be satisfied on a first-come, first-served basis. Such court orders and legal process shall be satisfied out of moneys which are subject to such orders and legal process and which remain available in accordance with the limitations of paragraph (1) and subparagraph (B) of this paragraph during such month after the satisfaction of all court orders or legal process which have been previously served.

"(B) Notwithstanding any other provision of law, the total amount of the disposable retired or retainer pay of a member payable by the Secretary concerned under all court orders pursuant to this section and all legal processes pursuant to section 459 of the Social Security Act (42 U.S.C. 659) with respect to a member may not exceed 65 percent of the disposable retired or retainer pay payable to such member.

"(5) A court order which itself or because of previously served court orders provides for the payment of an amount of disposable retired or retainer pay which exceeds the amount of such pay available for payment because of the limit set forth in paragraph (1), or which, because of previously served court orders or legal process previously served under section 459 of the Social Security Act (42 U.S.C. 659), provides for payment of an amount of disposable retired or retainer pay that exceeds the maximum amount permitted under paragraph (1) or subparagraph (B) of paragraph (4), shall not be considered to be irregular on its face solely for that reason. However, such order shall be considered to be fully satisfied for purposes of this section by the payment to the spouse or former spouse of the maximum amount of disposable retired or retainer pay permitted under paragraph (1) and subparagraph (B) of paragraph (4).

"(6) Nothing in this section shall be construed to relieve a member of liability for the payment of alimony, child support, or other payments required by a court order on the grounds that payments made out of disposable retired or retainer pay under this section have been made in the maximum amount permitted under paragraph (1) or subparagraph (B) of paragraph (4). Any such unsatisfied obligation of a member may be enforced by any means available under law other than the means provided under this section in any case in which the maximum amount permitted under paragraph (1) has been paid and under section 459 of the Social Security Act (42 U.S.C. 659) in any case in which the maximum amount permitted under subparagraph (B) of paragraph (4) has been paid.

"(f)(1) The United States and any officer or employee of the United States shall not be liable with respect to any payment made from retired or retainer pay to any member, spouse, or former spouse pursuant to a court order that is regular on its face if such payment is made in accordance with this section and the regulations prescribed pursuant to subsection (h).

"(2) An officer or employee of the United States who, under regulations prescribed pursuant to subsection (h), has the duty to respond to interrogatories shall not be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or because of, any disclosure of information made by him in carrying out any of his duties which directly or indirectly pertain to answering such interrogatories.

"(g) A person receiving effective service of a court order under this section shall, as soon as possible, but not later than 30 days after the date on which effective service is made, send a written notice of such court order (together with a copy of such order) to the member affected by the court order at his last known address.

"(h) The Secretaries concerned shall prescribe uniform regulations for the administration of this section.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1408. Payment of retired or retainer pay in compliance with court orders.".

ANNUITIES UNDER THE SURVIVOR BENEFIT PLAN

SEC. 1003. (a) Section 1447 of title 10, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(6) 'Former spouse' means the surviving former husband or wife of a person who is eligible to participate in the Plan.

"(7) 'Court' has the meaning given that term by section 1408(a)(1) of this title.

"(8) 'Court order' means a court's final decree of divorce, dissolution, annulment, or legal separation, or a court ordered, ratified, or approved property settlement incident to such a decree (including a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or of a court ordered, ratified, or approved property settlement agreement incident to such previously issued decree).

"(9) 'Final decree' means a decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for the taking of such appeals under the laws applicable to such appeals, or a decree from which timely appeal has been taken and such appeal has been finally decided under the laws applicable to such appeals.

"(10) 'Regular on its face,' when used in connection with a court order, means a court order that meets the conditions prescribed in section 1408(b)(2) of this title.".

(b)(1) Section 1448(a) of such title is amended—

(A) in paragraph (3)(A) by inserting "or elects to provide an annuity under subsection (b)(2) of this section," after "for his spouse,"; and

(B) in paragraph (3)(B) by inserting "or elects to provide an annuity under subsection (b)(2) of this section," after "for his spouse,".

(2) Section 1448(b) of such title is amended to read as follows:

"(b)(1) A person who is not married and does not have a dependent child when he becomes eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person or to provide an annuity to a former spouse.

"(2) A person who is married or has a dependent child may elect to provide an annuity to a former spouse instead of providing an annuity to a spouse or dependent child if the election is made in order to carry out the terms of a written agreement entered into voluntarily with the former spouse (without regard to whether such agreement is included in or approved by a court order).

"(3) In the case of a person electing to provide an annuity under paragraph (1) or (2) of this subsection by virtue of eligibility under subsection (a)(1)(B), the election shall include a designation under subsection (e).

"(4) Any person who elects under paragraph (1) or (2) to provide an annuity to a former spouse shall, at the time of making such election, provide the Secretary concerned with a written statement, in a form to be prescribed by that Secretary, signed by such person and the former spouse setting forth whether the election is being made pursuant to a voluntary written agreement previously entered into by such person as a part of or incident to a proceeding of divorce, dissolution, annulment, or legal separation, and if so, whether such voluntary written agreement has been incorporated in or ratified or approved by a court order.".

(c) Section 1450(a)(4) of such title is amended—

(1) by inserting "former spouse or other" before "natural person"; and

(2) by striking out "if there is no eligible beneficiary under clause (1) or clause (2)" and inserting in lieu thereof "unless the election to provide an annuity to the former spouse or other natural person has been changed as provided in subsection (f)".

(d) Section 1450(f) of such title is amended to read as follows:

"(f)(1) A person who elects to provide an annuity to a person designated by him under section 1448(b) of this title may, subject to paragraph (2) of this subsection, change that election and provide an annuity to his spouse or dependent child. The Secretary concerned shall notify the former spouse or other natural person previously designated under section 1448(b) of this title of any change of election under the first sentence of this paragraph. Any such change of election is subject to the same rules with respect to execution, revocation, and effectiveness as are set forth in section 1448(a)(5) of this title.

"(2) A person who, incident to a proceeding of divorce, dissolution, annulment, or legal separation, enters into a voluntary written agreement to elect under section 1448(b) of this title to provide an annuity to a former spouse and who makes an election pursuant to such agreement may not change such election under paragraph (1) unless—

"(A) in a case in which such agreement has been incorporated in or ratified or approved by a court order, the person—

"(i) furnishes to the Secretary concerned a certified copy of a court order which is regular on its face and modifies the provisions of all previous court orders relating to the agreement to make such election so as to permit the person to change the election; and

"(ii) certifies to the Secretary concerned that the court order is valid and in effect; or

"(B) in a case in which such agreement has not been incorporated or ratified or approved by a court order, the person—

"(i) furnishes to the Secretary concerned a statement, in such form as the Secretary concerned may prescribe, signed by the former spouse and evidencing the former spouse's agreement to a change in the election under paragraph (1); and

"(ii) certifies to the Secretary concerned that the statement is current and in effect.

"(3) Nothing in this chapter authorizes any court to order any person to elect under section 1448(b) of this title to provide an annuity to a former spouse unless such person has voluntarily agreed in writing to make such election.".

MEDICAL BENEFITS

SEC. 1004. (a) Section 1072(2) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (D);

(2) by striking out the period at the end of clause (E) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new clause:

"(F) the unremarried former spouse of a member or former member who (i) on the date of the final decree of divorce, dissolution, or annulment, had been married to the member or former member for a period of at least 20 years during which period the member or former member performed at least 20 years of service which is creditable in determining that member's or former member's eligibility for retired or retainer pay, or equivalent pay, and (ii) does not have medical coverage under an employer-sponsored health plan.".

(b) Section 1076(b) of such title is amended by inserting at the end thereof the following: "A dependent described in section 1072(2)(F) of this title may be provided medical and dental care pursuant to clause (2) without regard to subclause (B) of such clause.".

(c) Section 1086(c) of such title is amended by inserting after clause (2) the following new clause:

"(3) A dependent covered by section 1072(2)(F) of this title.".

COMMISSARY AND EXCHANGE PRIVILEGES

SEC. 1005. The Secretary of Defense shall prescribe such regulations as may be necessary to provide that an unremarried former spouse described in subparagraph (F)(i) of section 1072(2) of title 10, United States Code (as added by section 904), is entitled to commissary and post exchange privileges to the same extent and on the same basis as the surviving spouse of a retired member of the uniformed services.

EFFECTIVE DATES AND TRANSITION

SEC. 1006. (a) The amendments made by this title shall take effect on the first day of the first month which begins more than 120 days after the date of the enactment of this title.

(b) Subsection (d) of section 1408 of title 10, United States Code, as added by section 1002(a), shall apply only with respect to payments of retired or retainer pay for periods beginning on or after the effective date of this title, but without regard to the date of any court order. However, in the case of a court order that became final before June 26, 1981, payments under such subsection may only be made in accordance with such order as in effect on such date and without regard to any subsequent modifications.

(c) The amendments made by section 1003 of this title shall apply to persons who become eligible to participate in the Survivor Benefit Plan provided for in subchapter II of chapter 73 of title 10, United States Code, before, on, or after the effective date of such amendments.

(d) The amendments made by section 1004 of this title and the provisions of section 1005 of this title shall apply in the case of any former spouse of a member or former member of the uniformed services only if the final decree of divorce, dissolution, or annulment of the marriage of the former spouse and such member or former member is dated on or after the effective date of such amendments.

(e) For the purposes of this section—

(1) the term "court order" has the same meaning as provided in section 1408(a)(2) of title 10, United States Code (as added by section 1002 of this title);

(2) the term "former spouse" has the same meaning as provided in section 1408(a)(6) of such title (as added by section 1002 of this title); and

(3) the term "uniformed services" has the same meaning as provided in section 1408(a)(7) of such title (as added by section 1002 of this title).

TITLE XI—GENERAL PROVISIONS

TRANSFER AUTHORITY

SEC. 1101. (a)(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,500,000,000.

(b) The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for higher priority items than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

WAIVER OF AUTHORIZATION REQUIREMENT FOR CERTAIN PREVIOUSLY APPROPRIATED FUNDS

SEC. 1102. The provisions of section 138(a) of title 10, United States Code, providing that funds may not be obligated or expended by the Armed Forces for certain purposes unless such funds have been specifically authorized by law shall not apply with respect to the obligation or expenditure of funds appropriated for fiscal year 1982 before the date of enactment of this Act for the following purposes:

(1) Procurement of aircraft for the Army.

(2) Procurement of aircraft for the Air Force.

(3) Procurement of missiles for the Air Force.

(4) Operations and maintenance for Defense-wide activities.

INCREASE IN AUTHORIZATION FOR SPECIAL DEFENSE ACQUISITION FUND

SEC. 1103. Section 138(g) of title 10, United States Code, is amended—

(1) by striking out "and" after "1982" and inserting in lieu thereof a comma; and

(2) by inserting ", and may not exceed $900,000,000 in fiscal year 1984" after "1983".

INCREASE IN DOLLAR THRESHOLD FOR REPORTS TO CONGRESS REGARDING TRANSFER OF DEFENSE ARTICLES

SEC. 1104. Section 813 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 133 note), is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

REPORTS ON FUNDING OF TECHNOLOGY TRANSFER CONTROL POLICY

SEC. 1105. Section 138 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, recommending the amount of funds to be appropriated to the Department of Defense for the next fiscal year for functions relating to the formulation and carrying out of Department of Defense policies on the control of technology transfer and activities related to the control of technology transfer. The Secretary shall include in that report the proposed allocation of the funds requested for such purpose and the number of personnel proposed to be assigned to carry out such activities during such fiscal year.".

LIMITATION ON DEFENSE FUNDS FOR SPACE SHUTTLE

SEC. 1106. Notwithstanding any other provision of law, during fiscal year 1983 the Secretary of Defense shall not transfer funds to the Administrator of the National Aeronautics and Space Administration to pay any part of the cost of placing Department of Defense payloads into orbit by means of the Space Shuttle except in accordance with laws in effect on July 1, 1982, and interagency agreements made pursuant to such laws.

IMPROVED OVERSIGHT OF COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 1107. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 139 the following new sections:

"§139a. Oversight of cost growth in major programs: Selected Acquisition Reports

"(a) In this section:

"(1) 'Major defense acquisition program' means a Department of Defense acquisition program that is not a highly sensitive classified program (as determined by the Secretary of Defense) and—

"(A) that is designated by the Secretary of Defense as a major defense acquisition program; or

"(B) that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $200,000,000 (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than $1,000,000,000 (based on fiscal year 1980 constant dollars).

"(2) 'Program acquisition unit cost', with respect to a major defense acquisition program, means the amount equal to (A) the total cost for development and procurement of, and system-specific military construction for, the acquisition program, divided by (B) the number of fully-configured end items to be produced for the acquisition program.

"(3) 'Procurement unit cost', with respect to a major defense acquisition program, means the amount equal to (A) the total of all procurement funds appropriated for the program for a fiscal year, reduced by the amount of funds appropriated for such

fiscal year for advanced procurement for such program in any subsequent year and increased by any amount appropriated in years before such fiscal year for advanced procurement for such program in such fiscal year, divided by (B) the number of fully-configured end items to be procured with such funds during such fiscal year.

"(4) 'Major contract', with respect to a major defense acquisition program, means (A) each prime contract under the program, and (B) each associate or Government-furnished equipment contract under the program that is one of the six largest contracts under the program in dollar amount.

"(b)(1) The Secretary of Defense shall submit to Congress at the end of each fiscal-year quarter a report on current major defense acquisition programs. Except as provided in paragraphs (2) and (3), each such report shall include a status report on each defense acquisition program that at the end of such quarter is a major defense acquisition program. Reports under this section shall be known as Selected Acquisition Reports.

"(2) A status report on a major defense acquisition program need not be included in the Selected Acquisition Report for the second, third, or fourth quarter of a fiscal year if such a report was included in a previous Selected Acquisition Report for that fiscal year and there has been no change in program cost, performance, or schedule since the most recent such report.

"(3) A status report on a particular major defense acquisition program need not be included in any Selected Acquisition Report with the approval of the Committees on Armed Services of the Senate and House of Representatives.

"(c) Each Selected Acquisition Report for the first quarter of a fiscal year shall include (1) the same information, in detailed and summarized form, as is provided in reports submitted under section 139 of this title, (2) the current program acquisition unit cost for each major defense acquisition program included in the report and the history of that cost from the date the program was first included in a Selected Acquisition Report to the end of the quarter for which the current report is submitted, and (3) such other information as the Secretary of Defense considers appropriate. Selected Acquisition Reports for the first quarter of a fiscal year shall be known as comprehensive annual Selected Acquisition Reports.

"(d)(1) Each Selected Acquisition Report for the second, third, and fourth quarters of a fiscal year shall include—

"(A) with respect to each major defense acquisition program that was included in the most recent comprehensive annual Selected Acquisition Report, the information described in subsection (e); and

"(B) with respect to each major defense acquisition program that was not included in the most recent comprehensive annual Selected Acquisition Report, the information described in subsection (c).

"(2) Selected Acquisition Reports for the second, third, and fourth quarters of a fiscal year shall be known as Quarterly Selected Acquisition Reports.

"(e) Information to be included under this subsection in a Quarterly Selected Acquisition Report with respect to a major defense acquisition program is as follows:

"(1) The quantity of items to be purchased under the program.

"(2) The program acquisition cost.

"(3) The program acquisition unit cost.

"(4) The current procurement cost for the program.

"(5) The current procurement unit cost for the program.

"(6) The reasons for any change in program acquisition cost, program acquisition unit cost, procurement cost, or procurement unit cost or in program schedule from the previous Selected Acquisition Report.

"(7) The major contracts under the program and the reasons for any cost or schedule variances under those contracts since the last Selected Acquisition Report.

"(8) The completion status of the program (A) expressed as the percentage that the number of years for which funds have been appropriated for the program is of the number of years for which it is planned that funds will be appropriated for the program, and (B) expressed as the percentage that the amount of funds that have been appropriated for the program is of the total amount of funds which it is planned will be appropriated for the program.

"(9) Program highlights since the last Selected Acquisition Report.

"(f) Each comprehensive annual Selected Acquisition Report shall be submitted within 30 days after the date on which the President transmits the Budget to Congress for the following fiscal year, and each Quarterly Selected Acquisition Report shall be submitted within 30 days after the end of the fiscal-year quarter. If a preliminary report is submitted for the comprehensive annual Selected Acquisition Report in any year, the final report shall be submitted within 15 days after the submission of the preliminary report.

"§ 139b. Oversight of cost growth of major programs: unit cost reports

"(a) In this section:

"(1) 'Major defense acquisition program', 'program acquisition unit cost', 'procurement unit cost', and 'major contract' have the same meanings as provided in section 139a(a) of this title.

"(2) 'Baseline Selected Acquisition Report', with respect to a unit cost report that is submitted under this section to the Secretary concerned on a major defense acquisition program, means the Selected Acquisition Report in which information on the program is first included or the comprehensive annual Selected Acquisition Report for the fiscal year immediately before the fiscal year containing the quarter with respect to which the unit cost report is submitted, whichever is later.

"(3) 'Procurement program' means a program for which funds for procurement are authorized to be appropriated in a fiscal year.

"(b) The program manager for a defense acquisition program that as of the end of a fiscal-year quarter is a major defense acquisition program (other than a program not required to be included in the Selected Acquisition Report for that quarter under section 139a(b)(3) of this title) shall, not more than 7 days after the end of that quarter, submit to the Secretary concerned a written report on the unit costs of the program. The program manager shall include in each such unit cost report the following information with respect to the program (as of the last day of the quarter for which the report is made):

"(1) The program acquisition unit cost.

"(2) In the case of a procurement program, the procurement unit cost.

"(3) Any cost variance or schedule variance in a major contract under the program since the baseline Selected Acquisition Report was submitted.

"(4) Any changes from program schedule milestones or program performances reflected in the baseline Selected Acquisition Report that are known, expected, or anticipated by the program manager.

"(c)(1) If the program manager of a major defense acquisition program for which a unit cost report has previously been submitted under subsection (b) determines at any time during a fiscal-year quarter that there is reasonable cause to believe—

"(A) that the program acquisition unit cost for the program has increased by more than 15 percent over the program acquisition unit cost for the program as shown in the baseline Selected Acquisition Report;

"(B) in the case of a major defense acquisition program that is a procurement program, that the current procurement unit cost for the program has increased by more than 15 percent over the procurement unit cost for the program as reflected in the baseline Selected Acquisition Report; or

"(C) that cost variances or schedule variances of a major contract under the program have resulted in an increase in the cost of the contract of at least 15 percent over the cost of the contract as of the time the contract was made;

and if a unit cost report indicating an increase of such percentage or more has not previously been submitted to the Secretary concerned during the current fiscal year (other than the unit cost report under subsection (b) for the last quarter of the preceding fiscal year), then the program manager shall immediately submit to the Secretary concerned a unit cost report containing the information, determined as of the date of the report, required under subsection (b).

"(2) If in any fiscal year the program manager for a major defense acquisition program has submitted to the Secretary concerned a unit cost report (other than the unit cost report under subsection (b) for the last quarter of the preceding fiscal year) indicating an increase of 15 percent or more in a category described in clauses (A) through (C) of paragraph (1) and subsequently determines that there is reasonable cause to believe—

"(A) that the current program acquisition unit cost of the program has increased by more than 5 percent over the current program acquisition unit cost as shown in the most recent report under this subsection or subsection (b) submitted to the Secretary concerned with respect to that program;

"(B) in the case of a major defense acquisition program that is a procurement program, that the current procurement unit cost for the program has increased by more than 5 percent over the current procurement unit cost as shown in the most recent report under this subsection or subsection (b) submitted to the Secretary concerned with respect to that program; or

"(C) that cost variances or schedule variances of a major contract under the program have resulted in an increase in the cost of the contract of at least 5 percent over the cost of the contract as shown in the most recent report under this subsection or subsection (b) submitted to the Secretary concerned with respect to that program;

the program manager shall immediately submit to the Secretary concerned a unit cost report containing the information, determined as of the date of the report, required by subsection (b).

"(d)(1) When a unit cost report is submitted to the Secretary concerned under this section with respect to a major defense acquisition program, the Secretary shall determine whether the current program acquisi-

tion unit cost for the program has increased by more than 15 percent, or by more than 25 percent, over the program acquisition unit cost for the program as shown in the baseline Selected Acquisition Report.

"(2) When a unit cost report is submitted to the Secretary concerned under this section with respect to a major defense acquisition program that is a procurement program, the Secretary concerned shall, in addition to the determination under paragraph (1), determine whether the current procurement unit cost for the program has increased by more than 15 percent, or by more than 25 percent, over the procurement unit cost for the program as reflected in the baseline Selected Acquisition Report.

"(3) If the Secretary concerned determines (for the first time since the beginning of the current fiscal year) that the current program acquisition unit cost has increased by more than 15 percent, or by more than 25 percent, as determined under paragraph (1) or that the current procurement unit cost has increased by more than 15 percent, or by more than 25 percent, as determined under paragraph (2)—

"(A) the Secretary shall notify Congress in writing of such determination and of the increase with respect to such program within 30 days after the date on which the unit cost report that is the basis for such determination was submitted to him and shall include in such notification the date on which the determination was made; and

"(B) except as provided in subsection (e), additional funds may not be obligated in connection with such program—

"(i) after the end of the 30-day period beginning on the day on which the Secretary makes such determination, in the case of a percentage increase of more than 15 but less than 25 percent; or

"(ii) after the end of the 60-day period beginning on the day on which the Secretary makes such determination, in the case of a percentage increase of more than 25 percent.

"(e)(1) The prohibition in subsection (d)(3)(B) on the obligation of funds for a major defense acquisition program does not apply in the case of a program to which it would otherwise apply in the case of a determination of a 15 percent increase (as determined under subsection (d)) if the Secretary concerned submits to Congress, before the end of the 30-day period referred to in such subsection, a report containing the information described in subsection (g).

"(2) The prohibition in subsection (d)(3)(B) on the obligation of funds for a major defense acquisition program does not apply in the case of a program to which it would otherwise apply, in the case of a determination of a 25 percent increase (as determined under subsection (d))—

"(A) if the increase was due to termination or cancellation of the acquisition program; or

"(B) if the Secretary of Defense submits to Congress, before the end of the 60-day period referred to in such subsection—

"(i) a written certification stating that—

"(I) such acquisition program is essential to the national security;

"(II) there are no alternatives to such acquisition program which will provide equal or greater military capability at less cost;

"(III) the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and

"(IV) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost; and

"(ii) if a report under paragraph (1) has been previously submitted to Congress with respect to such program for the current fiscal year but was based upon a different unit cost report from the program manager to the Secretary concerned, a further report containing the information described in subsection (g), determined from the time of the previous report to the time of the current report.

"(3) The prohibition in subsection (d)(3)(B) on the obligation of funds for a major defense acquisition program shall cease to apply in the case of a program to which it would otherwise apply if, after such prohibition has taken effect, the Committees on Armed Services of the Senate and House of Representatives waive the prohibition with respect to such program.

"(f) Any determination of a percentage increase under this section shall include expected inflation.

"(g)(1) Except as provided in paragraph (2), each report under subsection (e) with respect to a major defense acquisition program shall include the following:

"(A) The name of the major defense acquisition program.

"(B) The date of the preparation of the report.

"(C) The program phase as of the date of the preparation of the report.

"(D) The estimate of the program acquisition cost for the program as shown in the Selected Acquisition Report in which the program was first included, expressed in constant base-year dollars and in current dollars.

"(E) The current program acquisition cost in constant base-year dollars and in current dollars.

"(F) A statement of the reasons for any increase in program acquisition unit cost or procurement unit cost.

"(G) The completion status of the program (i) expressed as the percentage that the number of years for which funds have been appropriated for the program is of the number of years for which it is planned that funds will be appropriated for the program, and (ii) expressed as the percentage that the amount of funds that have been appropriated for the program is of the total amount of funds which it is planned will be appropriated for the program.

"(H) The fiscal year in which information on the program was first included in a Selected Acquisition Report (referred to in this paragraph as the 'base year') and the date of that Selected Acquisition Report in which information on the program was first included.

"(I) The date of the baseline Selectcd Acquisition Report.

"(J) The current change and the total change, in dollars and expressed as a percentage, in the program acquisition unit cost, stated both in constant base-year dollars and in current dollars.

"(K) The current change and the total change, in dollars and expressed as a percentage, in the procurement unit cost, stated both in constant base-year dollars and in current dollars.

"(L) The quantity of end items to be acquired under the program and the current change and total change, if any, in that quantity.

"(M) The identities of the military and civilian officers responsible for program management and cost control of the program.

"(N) The action taken and proposed to be taken to control future cost growth of the program.

"(O) Any changes made in the performance or schedule milestones of the program and the extent to which such changes have contributed to the increase in program acquisition unit cost or procurement unit cost.

"(P) The following contract performance assessment information with respect to each major contract under the program:

"(i) The name of the contractor.

"(ii) The phase that the contract is in at the time of the preparation of the report.

"(iii) The percentage of work under the contract that has been completed.

"(iv) Any current change and the total change, in dollars and expressed as a percentage, in the contract cost.

"(v) The percentage by which the contract is currently ahead of or behind schedule.

"(vi) A narrative providing a summary explanation of the most significant occurrences, including cost and schedule variances under major contracts of the program, contributing to the changes identified and a discussion of the effect these occurrences will have on future program costs and the program schedule.

"(2) If a program acquisition unit cost increase or a procurment unit cost increase for a major defense acquisition program that results in a report under this subsection is due to termination or cancellation of the entire program, only the information specified in clauses (A) through (F) of paragraph (1) and the percentage change in program acquisition unit cost or procurement unit cost that resulted in the report need be included in the report.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139 the following new items:

"139a. Oversight of cost growth in major programs: Selected Acquisition Reports.

"139b. Oversight of cost growth in major programs: unit cost reports.".

(b) Section 811 of the Department of Defense Appropriation Authorization Act, 1976 (10 U.S.C. 139 note), is repealed.

(c) Sections 139a and 139b of title 10, United States Code, as added by subsection (a), shall take effect on January 1, 1983, and shall apply beginning with respect to reports for the first quarter of fiscal year 1983. The repeal made by subsection (b) shall take effect on January 1, 1983.

OVERSIGHT OF DEFENSE EXPENDITURES

SEC. 1108. (a) Concurrent with the submission of the budget to Congress for fiscal year 1984, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report concerning the strength requested in such budget for civilian personnel for the Defense Contract Audit Agency, the Defense Audit Service, and the Defense Criminal Investigative Service. Such report shall state the number of such personnel at the end of fiscal year 1982, the number at the time the report is submitted, and the number requested in that budget and shall include a justification for the number requested. The report shall also include the opinion of the Secretary of Defense on whether the number requested is sufficient for those agencies to accomplish their functions with respect to the reduction of waste, fraud, and abuse in defense expenditures during the next fiscal year, particularly in light of any increases (in real terms) in the levels of appropriations requested in that budget for operations, procurement of new equipment, and

for research, development, test, and evaluation.

(b) The Secretary shall include in the report under subsection (a) information concerning the savings in defense expenditures achieved by the Defense Contract Audit Agency, the Defense Audit Service, and the Defense Criminal Investigative Service during fiscal year 1982, including a statement for each agency of the amount of such cost savings achieved as a percentage of the number of dollars spent by such agency during such year.

CONTINUATION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIAL TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 1109. (a) The Secretary of Defense should conduct a test program during fiscal year 1983 in accordance with this subsection to test the effect of exempting certain contracts of the Department of Defense from the provisions of section 2892 of title 10, United States Code, and paying a price differential under such contracts for the purpose of relieving economic dislocations. Under such test program, the Secretary of Defense may exempt from the provisions of such section any contract (other than a contract for the purchase of fuel) made by the Defense Logistics Agency during fiscal year 1983 if the contract is to be awarded to an individual or firm located in a Labor Surplus Area (as defined and identified by the Department of Labor) and if the Secretary determines—

(1) that the awarding of such contract will not adversely affect the national security of the United States;

(2) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of such contract will be made at reasonable cost to the United States;

(3) that the price differential to be paid under such contract will not exceed 2.2 percent; and

(4) the value of such contract, when added to the cumulative value of all other contracts awarded under the test program authorized by this section, will not exceed $4,000,000,000.

(b) Not later than April 15, 1983, the President shall submit a report to Congress on the implementation and results to that date of the test program authorized by subsection (a). The report shall include an assessment of the costs and benefits of the test program.

PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS

SEC. 1110. None of the funds appropriated pursuant to an authorization of appropriations in this or any other Act may be used for the purpose of consolidating any of the functions being performed on the date of the enactment of this Act by the Military Traffic Management Command of the Army, the Military Sealift Command of the Navy, or the Military Airlift Command of the Air Force with any function being performed on such date by either or both of the other commands.

PROHIBITION REGARDING CONTRACTS FOR THE PERFORMANCE OF FIREFIGHTING AND SECURITY FUNCTIONS

SEC. 1111. None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended to enter into any contract for the performance of firefighting functions or security-guard functions at any military installation or facility, except when such funds are for the express purpose of providing for the renewal of contracts in effect on the date of the enactment of this Act.

MODIFICATION OF REPORTS ON CONVERSION OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE

SEC. 1112. (a) Section 502 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2304 note), is amended—

(1) by striking out "Department of Defense personnel" each time it appears and inserting in lieu thereof "Department of Defense civilian employees"; and

(2) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) Except as provided in subsection (a)(1), subsections (a) through (c) shall not apply to a commercial or industrial type function of the Department of Defense that is being performed by 10 or fewer Department of Defense civilian employees.

"(e) In no case may any commercial or industrial type function being performed by Department of Defense personnel be modified, reorganized, divided, or in any way changed for the purpose of exempting from the requirements of subsection (a)(2) the conversion of all or any part of such function to performance by a private contractor.

"(f) The provisions of this section shall not apply during war or a period of national emergency declared by the President or the Congress.".

(b) The amendments made by subsection (a) shall take effect on October 1, 1982.

ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT

SEC. 1113. (a) Section 12 of the Military Selective Service Act (50 U.S.C. App. 462) is amended by adding after subsection (e) the following new subsection:

"(f)(1) Any person who is required under section 3 to present himself for and submit to registration under such section and fails to do so in accordance with any proclamation issued under such section, or in accordance with any rule or regulation issued under such section, shall be ineligible for any form of assistance or benefit provided under title IV of the Higher Education Act of 1965.

"(2) In order to receive any grant, loan, or work assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), a person who is required under section 3 to present himself for and submit to registration under such section shall file with the institution of higher education which the person intends to attend, or is attending, a statement of compliance with section 3 and regulations issued thereunder.

"(3) The Secretary of Education, in agreement with the Director, shall prescribe methods for verifying such statements of compliance filed pursuant to paragraph (2). Such methods may include requiring institutions of higher education to provide a list to the Secretary of Education or to the Director of persons who have submitted such statements of compliance.

"(4) The Secretary of Education, in consultation with the Director, shall issue regulations to implement the requirements of this subsection. Such regulations shall provide that any person to whom the Secretary of Education proposes to deny assistance or benefits under title IV for failure to meet the registration requirements of section 3 and regulations issued thereunder shall be given notice of the proposed denial and shall have a suitable period (of not less than 30 days) after such notice to provide the Secretary with information and materials establishing that he has complied with the registration requirement under section 3. Such regulations shall also provide that the Secretary may afford such person an opportunity for a hearing to establish his compliance or for any other purpose.".

(b) The amendment made by subsection (a) shall apply to loans, grants, or work assistance under title IV of the Higher Education Act for periods of instruction beginning after June 30, 1983.

MILITARY RECRUITING INFORMATION

SEC. 1114. (a) The Congress finds that in order for Congress to carry out effectively its constitutional authority to raise and support armies, it is essential—

(1) that the Secretary of Defense obtain and compile directory information pertaining to students enrolled in secondary schools throughout the United States; and

(2) that such directory information be used only for military recruiting purposes and be retained in the case of each person with respect to whom such information is obtained and compiled for a limited period of time.

(b)(1) Section 503 of title 10, United States Code, is amended—

(A) by inserting "(a)" before "The Secretary"; and

(B) by adding at the end thereof the following new subection:

"(b)(1) The Secretary of Defense may collect and compile directory information pertaining to each student who is 17 years of age or older or in the eleventh grade (or its equivalent) or higher and who is enrolled in a secondary school in the United States or its territories, possessions, or the Commonwealth of Puerto Rico.

"(2) The Secretary may make directory information collected and compiled under this subsection available to the armed forces for military recruiting purposes. Such information may not be disclosed for any other purpose.

"(3) Directory information pertaining to any person may not be maintained for more than three years after the date the information pertaining to such person is first collected and compiled under this subsection.

"(4) Directory information collected and compiled under this subsection shall be confidential, and a person who has had access to such information may not disclose such information except for the purposes described in paragraph (2).

"(5) The Secretary of Defense shall prescribe regulations to carry out this subsection. Regulations prescribed under this subsection shall be submitted to the Committees on Armed Services of the Senate and House of Representatives. Regulations prescribed by the Secretaries concerned to carry out this subsection shall be as uniform as practicable.

"(6) Nothing in this subsection shall be construed as requiring, or authorizing the Secretary of Defense to require, that any educational institution furnish directory information to the Secretary.

"(7) In this subsection, 'directory information' means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational agency or institution attended by the student.".

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

"§ 503. Enlistments: recruiting campaigns; compilation of directory information".

(3) The item relating to such section in the table of sections at the beginning of chapter

31 of such title is amended to read as follows:

"503. Enlistments: recruiting campaigns; compilation of directory information.".

(c)(1) Chapter 31 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 520a. Criminal history information for military recruiting purposes

"(a) Each State and each unit of general local government of a State is requested to make available, upon request, to the Secretary concerned any criminal history information maintained by or available to such State or unit of general local government which pertains to any person who, within 90 days before the date on which such information was requested (1) has applied for enlistment in the armed forces, or (2) has applied, in connection with such person's application for enlistment, for participation in a program of the armed forces which requires a determination of the trustworthiness of persons who participate in such program.

"(b) In this section, 'criminal history information' means the following information with respect to any juvenile or adult arrest, citation, or conviction of any person referred to in subsection (a):

"(1) The offense involved.

"(2) The age of the person with respect to whom such information pertains.

"(3) The dates of the arrest, citation, and conviction, if any.

"(4) The place the offense was alleged to have been committed, the place of the arrest, and the court to which the case was assigned.

"(5) The disposition of the case.

"(c) Criminal history information received under this section shall be confidential, and a person who has had access to any information received under this section may not disclose such information except to facilitate military recruiting.

"(d) The Secretaries concerned shall prescribe regulations, which shall be as uniform as practicable, to carry out this section. Regulations prescribed under this section shall be submitted to the Committees on Armed Services of the Senate and House of Representatives.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"520a. Criminal history information for military recruiting purposes.".

ACTIVE DUTY FOR TRAINING OF PERSONS ENLISTING IN A RESERVE COMPONENT OF THE ARMED FORCES

SEC. 1115. (a) The second sentence of section 511(d) of title 10, United States Code, is amended by striking out "180 days" and inserting in lieu thereof "270 days".

(b) The amendment made by this section shall be effective with respect to persons enlisting in a reserve component of the Armed Forces after the end of the 90-day period beginning on the date of the enactment of this Act.

TEMPORARY INCREASE IN NUMBER ON NAVY OFFICERS THAT MAY SERVE IN THE GRADE OF VICE ADMIRAL

SEC. 1116. During fiscal year 1983, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be on active duty in grades above rear admiral is increased by three. None of the additional officers in grades above rear admiral authorized by this section may be in the grade of admiral.

DEPARTMENT OF DEFENSE OFFICE OF INSPECTOR GENERAL

SEC. 1117. (a) The Inspector General Act of 1978 (Public Law 95-452) is amended—

(1) by inserting "the Department of Defense," after "Commerce," in section 2(1);

(2) by redesignating subparagraphs (C) through (M) of section 9(a)(1) as subparagraphs (D) through (N), respectively;

(3) by inserting after subparagraph (B) of section 9(a)(1) the following new subparagraph:

"(C) of the Department of Defense, the offices of that department referred to as the 'Defense Audit Service' and the 'Office of Inspector General, Defense Logistics Agency', and that portion of the office of that department referred to as the 'Defense Investigative Service' which has responsibility for the investigation of alleged criminal violations;";

(4) by inserting "Defense," after "Commerce," in section 11(1); and

(5) by inserting "Defense," after "Commerce," in section 11(2).

(b) Section 8 of the Inspector General Act of 1978 is amended to read as follows:

"ADDITIONAL PROVISIONS WITH RESPECT TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

"SEC. 8. (a) No member of the Armed Forces, active or reserve, shall be appointed Inspector General of the Department of Defense.

"(b)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Secretary of Defense with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning—

"(A) sensitive operational plans;

"(B) intelligence matters;

"(C) counterintelligence matters;

"(D) ongoing criminal investigations by other administrative units of the Department of Defense related to national security; or

"(E) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described in paragraph (1) the Secretary of Defense may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to preserve the national security interests of the United States.

"(3) If the Secretary of Defense exercises any power under paragraph (1) or (2), the Inspector General shall submit a statement concerning such exercise within 30 days to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

"(4) The Secretary shall, within 30 days after submission of a statement under paragraph (3), transmit a statement of the reasons for the exercise of power under paragraph (1) or (2) to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees.

"(c) In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Department of Defense shall—

"(1) be the principal adviser to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the Department;

"(2) initiate, conduct, and supervise such audits and investigations in the Department of Defense (including the military departments) as the Inspector General considers appropriate;

"(3) provide policy direction for audits and investigations relating to fraud, waste, and abuse and program effectiveness;

"(4) investigate fraud, waste, and abuse uncovered as a result of other contract and internal audits, as the Inspector General considers appropriate;

"(5) develop policy, monitor and evaluate program performance and provide guidance with respect to all Department activities relating to criminal investigation programs;

"(6) monitor and evaluate the adherence of Department auditors to internal audit, contract audit, and internal review principles, policies, and procedures;

"(7) develop policy, evaluate program performance, and monitor actions taken by all components of the Department in response to contract audits, internal audits, internal review reports, and audits conducted by the Comptroller General of the United States;

"(8) request assistance as needed from other audit, inspection, and investigative units of the Department of Defense (including military departments); and

"(9) give particular regard to the activities of the internal audit, inspection, and investigative units of the military departments with a view toward avoiding duplication and insuring effective coordination and cooperation.

"(d) Notwithstanding section 4(d), the Inspector General of the Department of Defense shall expeditiously report suspected or alleged violations of chapter 47 of title 10, United States Code (Uniform Code of Military Justice), to the Secretary of the military department concerned or the Secretary of Defense.

"(e) For the purposes of section 7, a member of the Armed Forces shall be deemed to be an employee of the Department of Defense.

"(f)(1) Each semiannual report prepared by the Inspector General of the Department of Defense under section 5(a) shall include information concerning the numbers and types of contract audits conducted by the Department during the reporting period. Each such report shall be transmitted by the Secretary of Defense to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees or subcommittees of the Congress.

"(2) Any report required to be transmitted by the Secretary of Defense to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified in such section, to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives.

"(g) The provisions of section 1385 of title 18, United States Code, shall not apply to audits and investigations conducted by,

under the direction of, or at the request of the Inspector General of the Department of Defense to carry out the purposes of this Act."

(c) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

"(e)(1) Nothing in this section shall be construed to authorize the public disclosure of information which is—

"(A) specifically prohibited from disclosure by any other provision of law;

"(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

"(C) a part of an ongoing criminal investigation.

"(2) Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

"(3) Nothing in this section or in any other provision of this Act shall be construed to authorize or permit the withholding of information from the Congress, or from any committee or subcommittee thereof.".

(d) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"( ) Inspector General, Department of Defense."

(e) In addition to the positions transferred to the Office of the Inspector General of the Department of Defense, pursuant to the amendments made by subsection (a) of this section, the Secretary of Defense shall transfer to the Office of Inspector General of the Department of Defense not less than 100 additional audit positions. The Inspector General of the Department of Defense shall fill such positions with persons trained to perform contract audits.

EXTENSION OF PERIOD FOR TRANSFER OF DEFENSE DEPENDENTS' EDUCATION SYSTEM TO DEPARTMENT OF EDUCATION

SEC. 1118. The first sentence of section 302(a) of the Department of Education Organization Act (20 U.S.C. 3442) is amended by striking out "three years after the effective date of this Act" and inserting in lieu thereof "May 4, 1984".

OPEN ENROLLMENT PERIOD FOR RESERVES UNDER THE SURVIVOR BENEFIT PLAN

SEC. 1119. (a) Subsection (b) of section 212 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 383) is amended by striking out the period at the end and inserting in lieu thereof ", in the case of a member or former member of the uniformed services who on August 13, 1981, was entitled to retired or retainer pay, and the period beginning on October 1, 1982, and ending on September 30, 1983, in the case of a member or former member who on August 13, 1981, would have been entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under sixty years of age on that date.".

(b) Subsection (e)(1) of such section is amended to read as follows:

"(1) The term 'eligible member' means a member or former member of the uniformed services who on August 13, 1981 (A) was entitled to retired or retainer pay, or (B) would have been entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under sixty years of age on that date.".

REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

SEC. 1120. Section 1006(c) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 94 Stat. 1120), is amended—

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

(2) by striking out "March 1, 1982" and inserting in lieu thereof "March 1, 1983";

(3) by redesignating clauses (1) through (5) as clauses (A) through (E), respectively;

(4) by inserting "and their impact on mutual defense efforts" before the semicolon at the end of clause (A) (as so redesignated);

(5) by striking out "fiscal year 1982" both places it appears and inserting in lieu thereof "fiscal year 1983";

(6) by striking out "and" at the end of clause (D) (as so redesignated);

(7) by striking out the period at the end of clause (5) (as so redesignated) and inserting in lieu thereof a semicolon and "and"; and

(8) by adding after clause (E) the following:

"(F) a description of what additional actions the President plans to take should the efforts by the United States referred to in clauses (B) and (E) fail and, in those instances where such additional actions do not include consideration of the repositioning of elements of the Armed Forces of the United States, a detailed explanation as to why such repositioning is not being so considered.

"(2) If the report required by paragraph (1) as submitted to Congress is designated as having been classified, pursuant to Executive order, as requiring protection against unauthorized disclosure in the interest of national defense or foreign policy, then not later than 30 days after the submission of such report the Secretary shall submit to Congress a further report containing all the information in the initial report that does not require such protection.".

REPORT ON STANDARDIZATION OF NATO WEAPONS

SEC. 1121. Section 302(c) of the Department of Defense Appropriation Authorization Act, 1975 (88 Stat. 402; 10 U.S.C. 2451 note), is amended by adding at the end thereof the following: "The Secretary shall also include in each such report—

"(1) a description of each existing and planned program of the Department of Defense that supports the development or procurement of a weapon system or other military equipment originally developed or procured by members of the North Atlantic Treaty Organization (NATO) other than the United States and for which funds have been authorized to be appropriated for the fiscal year in which the report is submitted;

"(2) a summary listing of the amount of funds appropriated for all such existing and planned programs for the fiscal year in which the report is submitted; and

"(3) a summary listing of the amount of funds requested, or proposed to be requested, for all such programs for each of the two fiscal years following the fiscal year for which the report is submitted.

Such report shall also include a description of each weapon system or other military equipment originally developed or procured in the United States and that is being developed or procured by members of the North Atlantic Treaty Organization (NATO) other than the United States during the fiscal year for which the report is submitted.".

NATO DEFENSE INDUSTRIAL COOPERATION

SEC. 1122. (a) The Congress finds that—

(1) the United States remains firmly committed to cooperating closely with its North Atlantic Treaty Organization (hereinafter in this section referred to as "NATO") allies in protecting liberty and maintaining world peace;

(2) the financial burden of providing for the defense of Western Europe and for the protection of the interests of NATO member countries in areas outside the NATO treaty area has reached such proportions that new cooperative approaches among the United States and its NATO allies are required to achieve and maintain an adequate collective defense at acceptable costs;

(3) the need for a credible conventional deterrent in Western Europe has long been recognized in theory but has never been fully addressed in practice;

(4) a more equitable sharing by NATO member countries of both the burdens and the technological and economic benefits of the common defense would do much to reinvigorate the North Atlantic Treaty Organization alliance with a restored sense of unity and common purpose;

(5) a decision to coordinate more effectively the enormous technological, industrial, and economic resources of NATO member countries will not only increase the efficiency and effectiveness of NATO military expenditures but also provide inducement for the Soviet Union to enter into a meaningful arms reduction agreement so that both Warsaw Pact countries and NATO member countries can devote more of their energies and resources to peaceful and economically more beneficial pursuits.

(b) It is the sense of the Congress that the President should propose to the heads of government of the NATO member countries that the NATO allies of the United States join the United States in agreeing—

(1) to coordinate more effectively their defense efforts and resources to create, at acceptable costs, a credible, collective, conventional force for the defense of the North Atlantic Treaty area;

(2) to establish a cooperative defense-industrial effort within Western Europe and between Western Europe and North America that would increase the efficiency and effectiveness of NATO expenditures by providing a larger production base while eliminating unnecessary duplication of defense-industrial efforts;

(3) to share more equitably and efficiently the financial burdens, as well as the economic benefits (including jobs, technology, and trade) of NATO defense; and

(4) to intensify consultations promptly for the early achievement of the objectives described in clauses (1) through (3).

STUDY OF IMPROVED CONTROL OF USE OF NUCLEAR WEAPONS

SEC. 1123. (a) The Secretary of Defense shall conduct a full and complete study and evaluation of possible initiatives for improving the containment and control of the use of nuclear weapons, particularly during crises. Such study and evaluation shall include consideration of the following:

(1) Establishment of a multi-national military crisis control center for monitoring and containing the use or potential use of nuclear weapons by third parties or terrorist groups.

(2) Development of a forum through which the United States and the Soviet Union could exchange information pertaining to nuclear weapons that could potentially be used by third parties or terrorist groups.

(3) Development of measures for building confidence between the United States and

the Soviet Union for improved crisis stability and arms control, including—

(A) an improved United States/Soviet Union communications hotline for crisis control;

(B) improved procedures for verification of any arms control agreements;

(C) measures to reduce the vulnerability of command, control, and communications of both nations; and

(D) measures to lengthen the warning time each nation would have of potential nuclear attack.

(b) The Secretary of Defense shall submit a report of the study and evaluation under subsection (a) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives by February 1, 1983. Such report should be available in both a classified, if necessary, and unclassified format.

(c) The President shall report to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives by March 1, 1983, on the merits to the arms control process of the initiatives developed under the study and evaluation required by subsection (a) and on the status of any such initiative as it may relate to any arms control negotiation with the Soviet Union.

NEGOTIATIONS FOR BANNING OF CHEMICAL WEAPONS

SEC. 1124. It is the sense of Congress that the President should—

(1) continue to promote actively negotiations among the member countries of the Ad Hoc Working Group on Chemical Warfare of the Committee on Disarmament established by the United Nations General Assembly and meeting in Geneva, Switzerland for the purpose of drafting a treaty for the complete, effective, and verifiable prohibition of the development, production, and stockpiling of all chemical weapons and for their destruction;

(2) press vigorously in every appropriate forum for a full explanation of outstanding allegations concerning Soviet and Soviet-proxy use of chemical weapons in violation of international law; and

(3) communicate to the Government of the Union of Soviet Socialist Republics the earnest desire of the Government of the United States for a comprehensive, verifiable ban on chemical weaponry and the willingness of the Government of the United States to participate in negotiations toward this end as soon as the Government of the United States can be satisfied that the Soviet Union is not in violation of existing international accords applying to the prohibition of first use of chemical weapons and the production and transfer of biological weapons and that the Soviet Union is prepared to agree to provisions needed to ensure the verifiability of an accord banning chemical warfare.

COOPERATIVE MILITARY AIRLIFT AGREEMENTS

SEC. 1125. (a) Chapter 131 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2213. Cooperative military airlift agreements

"(a) Subject to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may enter into cooperative military airlift agreements with the government of any allied country for the transportation of the personnel and cargo of the military forces of that country on aircraft operated by or for the military forces of the United States in return for the reciprocal transportation of the personnel and cargo of the military forces of the United States on aircraft operated by or for the military forces of that allied country. Any such agreement shall include the following terms:

"(1) The rate of reimbursement for transportation provided shall be the same for each party and shall be not less than the rate charged to military forces of the United States, as determined by the Secretary of Defense under section 2208(h) of this title.

"(2) Credits and liabilities accrued as a result of providing or receiving transportation shall be liquidated not less often than once every three months by direct payment to the country that has provided the greater amount of transportation.

"(3) During peacetime, the only military airlift capacity that may be used to provide transportation is that capacity that (A) is not needed to meet the transportation requirements of the military forces of the country providing the transportation, and (B) was not created solely to accommodate the requirements of the military forces of the country receiving the transportation.

"(4) Defense articles purchased by an allied country from the United States under the Arms Export Control Act (22 U.S.C. 2751 et seq.) or from a commercial source under the export controls of the Arms Export Control Act may not be transported (for the purpose of delivery incident to the purchase of the defense articles) to the purchasing allied country on aircraft operated by or for the military forces of the United States except at a rate of reimbursement that is equal to the full cost of transportation of the defense articles, as required by section 21(a)(3) of the Arms Export Control Act (22 U.S.C. 2761(a)(3)).

"(b) Subject to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may enter into nonreciprocal military airlift agreements with North Atlantic Treaty Organization subsidiary bodies for the transportation of the personnel and cargo of such subsidiary bodies on aircraft operated by or for the military forces of the United States. Any such agreement shall be subject to such terms as the Secretary of Defense considers appropriate.

"(c) Any amount received by the United States as a result of an agreement entered into under this section shall be credited to applicable appropriations, accounts, and funds of the Department of Defense.

"(d) Notwithstanding chapter 138 of this title, the Secretary of Defense may enter into military airlift agreements with allied countries only under the authority of this section.

"(e) In this section:

"(1) 'Allied country' means any of the following:

"(A) A country that is a member of the North Atlantic Treaty Organization.

"(B) Australia or New Zealand.

"(C) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

"(2) 'North Atlantic Treaty Organization subsidiary bodies' has the meaning given to it by section 2331 of this title.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2213. Cooperative military airlift agreements.".

PURCHASE OF FOREIGN-MADE ADMINISTRATIVE MOTOR VEHICLES

SEC. 1126. (a) The Secretary of a military department may, after the date of the enactment of this Act, enter into contracts for the purchase of administrative motor vehicles without regard to section 783 of Public Law 97-114.

(b) None of the funds appropriated pursuant to authorizations in this Act may be used by the Secretary of a military department to make a contract or agreement for the purchase of administrative motor vehicles that are manufactured outside the United States or Canada unless the contractor was selected through competitive bidding without a differential in favor of foreign manufacturers. This subsection does not apply to contracts for amounts less than $50,000 or to any contract or agreement in effect on the date of the enactment of this Act with the Federal Republic of Germany, the United Kingdom, or Italy, so long as the vehicles procured under such contract or agreement are standardized or interoperable with the vehicles of the host country.

RESTRICTION ON CONSTRUCTION OF NAVAL VESSELS IN FOREIGN SHIPYARDS

SEC. 1127. (a) Chapter 633 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§7309. Restriction on construction of naval vessels in foreign shipyards

"(a) Except as provided in subsection (b), no naval vessel, and no major component of the hull or superstructure of a naval vessel, may be constructed in a foreign shipyard.

"(b) The President may authorize exceptions to the prohibition in subsection (a) when he determines that it is in the national security interest of the United States to do so. The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date the notice of such determination is received by Congress.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"7309. Restriction on construction of naval vessels in foreign shipyards.".

PRIOR NOTIFICATION TO CONGRESS ON FOREIGN SOLE-SOURCE PROCUREMENTS

SEC. 1128. Subject to the provisions of chapter 138 of title 10, United States Code (relating to North Atlantic Treaty Organization mutual support), none of the funds authorized to be appropriated in this Act may be used to enter into a prime contract for the purchase of a major article of equipment essential to the national defense from a manufacturer outside the United States that makes the United States dependent on that manufacturer as a sole source unless the Secretary of Defense has notified the Committees on Armed Services and Appropriations of the Senate and House of Representatives, in writing, of such proposed contract.

PURCHASE OF CHEMICAL WARFARE PROTECTIVE CLOTHING AND ITEMS CONTAINING SPECIALTY METALS FROM FOREIGN SOURCES

SEC. 1129. Section 723 of the Department of Defense Appropriations Act, 1982 (Public Law 97-114; 95 Stat. 1582) is amended by inserting after the first colon the following: "Provided, That nothing in this section shall preclude the procurement of specialty metals or chemical warfare protective cloth-

ing produced outside the United States or its possessions if such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or if such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within the North Atlantic Treaty Organization (NATO) so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and section 814 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 2351 note):".

RECOGNITION OF NATIONAL GUARD AND RESERVE FORCES

SEC. 1130. (a) The Congress finds that—

(1) the National Guard and Reserve Forces of the United States are an integral part of the total force policy of the United States for national defense and need to be ready to respond, on short notice, to augment the active military forces in time of national emergency;

(2) attracting and retaining sufficient numbers of qualified persons to serve in the Guard and Reserve is a difficult challenge during a period in which authority to induct persons for training and service in the Armed Forces is not provided by law; and

(3) the support of employers and supervisors in granting employees a leave of absence from their jobs to participate in military training without detriment to earned vacation time, promotions, and job benefits is essential to the maintenance of a strong Guard and Reserve force.

(b)(1) It is, therefore, the sense of Congress that the citizen-military volunteers who serve the Nation as members of the National Guard and Reserve require and deserve public recognition of the essential role they play in the national defense, and particularly require and deserve the support and cooperation of their civilian employers, in order to be fully ready to respond to national emergencies.

(2) The Congress recognizes, and requests all citizens to recognize, the vital need for a trained, ready National Guard and Reserve in the national defense posture of the United States and urges and requests employers and supervisors of employees who are members of the National Guard or Reserve to abide by the provisions of chapter 43 of title 38, United States Code, by granting a leave of absence for military training, exclusive of earned vacation, to employees who are members of the Guard and Reserve and by providing such employees equal consideration for job benefits and promotions as all other employees.

REPORT ON VISTA 1999 TASK FORCE REPORT

SEC. 1131. (a) The Secretary of Defense shall conduct a full and complete study and evaluation of the report entitled "Vista 1999, A Long-Range Look at the Future of the Army and Air National Guard" submitted by the Chairman of the VISTA 1999 task force to the Chief of the National Guard Bureau on March 8, 1982. The study and evaluation shall include to the following:

(1) A detailed evaluation of the findings, conclusions, and recommendations of the "Vista 1999" study.

(2) The views of the Chief of the National Guard Bureau on the "Vista 1999" study.

(3) Any plans and recommendations for implementation of the recommendations of the "Vista 1999" study.

(b) The Secretary of Defense shall submit a report of the study and evaluation required by subsection (a) to the Committees on Armed Services of the Senate and House of Representatives no later than February 1, 1983.

MILITARY PERSONNEL CLAIM RESULTING FROM IRANIAN CRISIS

SEC. 1132. (a) The head of the military department having jurisdiction over Colonel Thomas E. Schaefer, United States Air Force, a member of the uniformed services who was held as a hostage in the Islamic Republic of Iran on or after November 4, 1979, and before January 22, 1981, may settle and pay an amount determined under subsection (b) for any claim against the United States made by such member for the loss of personal property in the Islamic Republic of Iran if the head of the military department determines that—

(1) the loss resulted from acts of mob violence, terrorist attacks, or other hostile acts, directed against the United States Government or its officers or employees;

(2) the loss was incurred on or after December 31, 1978, and before January 22, 1981;

(3) the property was owned and possessed in the Islamic Republic of Iran by the claimant and the ownership and possession of such property was appropiate and reasonable considering the official representational duties and responsibilities of the claimant; and

(4) the claimant had no reasonable opportunity to remove the property from the place where it was lost or could not reasonably have been expected to remove the property from such place before it was lost.

(b) The amount payable under subsection (a) shall be equal to the lesser of—

(1) the excess (if any) of the full replacement cost of the lost personal property over the total amount of compensation for the loss available in such case under section 9 of the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 243a) and from all other sources; or

(2) $75,000.

(c) A claim may be allowed under this section if it is presented in writing within one year after the date of enactment of this Act.

(d) The provisions of section 9 of the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 243a) that are not inconsistent with any provision of this section shall apply in the administration of this section.

(e) For the purposes of this section, the terms "agency", "uniformed services", "settle", and "military department" have the same meanings provided in section 2 of the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240).

USE OF CERTAIN GIFTS TO THE UNITED STATES MILITARY ACADEMY

SEC. 1133. (a) Under regulations prescribed by the Secretary of the Army, the Superintendent of the United States Military Academy may (without regard to section 2601 of title 10, United States Code) accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property of a value of $20,000 or less made to the United States on the condition that such gift, devise, or bequest be used for the benefit of the United States Military Academy or any entity thereof. The Secretary of the Army may pay or authorize the payment of all reasonable and necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest under this section.

(b) This section applies with respect to any gift, devise, or bequest made on or after the date of the enactment of this Act for the purpose described in subsection (a) and applies to any such gift, devise, or bequest, or devise made before the date of the enactment of this Act with respect to which the Secretary of the Army has approved application of this section rather than section 2601 of title 10, United States Code.

DESIGNATION OF ESTONIA, LATVIA, AND LITHUANIA ON DEFENSE MAPS

SEC. 1134. None of the funds appropriated pursuant to an authorization of appropriations in this Act may be used to prepare, produce or purchase any map showing the Union of Soviet Socialist Republics that does not—

(1) show the geographic boundaries of Estonia, Latvia, and Lithuania and designate those areas by those names;

(2) include the designation "Soviet Occupied" in parenthesis under each of those names; and

(3) include in close proximity to the area of the Baltic countries the following statement: "The United States Government does not recognize the incorporation of Estonia, Latvia, and Lithuania into the Soviet Union".

And the House agree to the same.

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

In lieu of the matter proposed to be inserted by the House amendment insert the following: "An Act to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes.".

And the House agree to the same.

MELVIN PRICE,
CHARLES E. BENNETT,
SAMUEL STRATTON,
RICHARD C. WHITE,
BILL NICHOLS,
JACK BRINKLEY,
ROBERT H. MOLLOHAN,
DAN DANIEL,
WM. L. DICKINSON,
G. WILLIAM WHITEHURST,
FLOYD SPENCE,
ROBIN BEARD,
MAJORIE S. HOLT,

When difference regarding intelligence-related activities are under consideration:

EDWARD P. BOLAND,
NORMAN Y. MINETA,
J. K. ROBINSON,

Solely for consideration of section 1011 of the House amendment and modifications committed to conference:

JACK BROOKS,
L. H. FOUNTAIN,
DANTE B. FASCELL,
FRANK HORTON,
JOHN N. ERLENBORN,

Managers on the Part of the House.

JOHN TOWER,
STROM THURMOND,
BARRY GOLDWATER,

J. WARNER,
GORDON J. HUMPHREY,
BILL COHEN,
ROGER W. JEPSEN,
DAN QUAYLE,
JEREMIAH DENTON,
NICHOLAS F. BRADY,
JOHN C. STENNIS,
HENRY M. JACKSON,
HOWARD W. CANNON,
HARRY F. BYRD, Jr.,
SAM NUNN,

For consideration of section 1122 pertaining to the Inspector General section of the bill:

BILL ROTH,
TOM EAGLETON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2248) to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize supplemental appropriations for fiscal year 1982, to provide additional authorizations for fiscal year 1982, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees have agreed to authorizations in Titles I, II, III and VIII for procurement, research, development, test, and evaluation, operation and maintenance, and civil defense that total $177.9 billion. This figure is $5.6 billion below the President's budget request, comparable to the figures recommended in the Senate bill and $0.8 billion above the comparable figures in the House amendment. Both the Senate bill and House amendment contained general provisions that would have had the effect of altering the above figures, but these provisions were not agreed to by the conferees.

The Defense authorization bill provides authorizations for appropriations but does not provide budget authority. Budget authority for Department of Defense programs will be provided in appropriations bills. Because the first budget resolution provides for target levels of budget authority and outlays, there is not a direct relation between the Defense authorization bill and the budget resolution. Nevertheless the conferees were mindful that the Congress has adopted a budget resolution that targets a $9.8 billion reduction in budget authority to the President's budget for National Defense.

The conference agreement would make a reduction of $5.6 billion. The conferees believe that this reduction is consistent with the target of the first budget resolution in light of the additional reductions that have been or will be made in items under the jurisdiction of the Armed Services Committee. Included are reductions in military pay, both active and retired, military construction and Department of Energy Military Application programs. Reductions in civilian pay from the levels assumed in the President's budget will result in further reductions. The conferees would also note that further adjustments in Department of Defense programs are usually made during the appropriations process.

SUMMARY OF CONFERENCE ACTION ON S. 2248, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1983

[Dollars in thousands]

Item	February fiscal year 1983 request	House	Senate	Conference	Change from request
Procurement:					
Army:					
Aircraft	2,745,900	2,541,600	1,786,900	2,541,600	−204,300
Missiles	2,846,600	2,898,500	2,846,600	2,846,600	
Weapons and tracked combat vehicles	5,030,700	4,707,700	4,705,000	4,707,600	−323,100
Ammunition	2,639,000	2,410,600	2,733,400	2,486,400	−152,600
Other procurement	4,567,500	4,509,500	4,364,000	4,391,100	−176,400
Army National Guard equipment	0	0	50,000	50,000	+50,000
Army Reserve equipment	0	0	30,000	30,000	+30,000
Total, Army procurement	17,829,700	17,067,900	16,515,900	17,053,300	−776,400
Navy:					
Aircraft	11,582,300	11,424,500	11,167,800	11,304,600	−277,700
Weapons procurement	3,901,600	3,860,900	3,810,200	3,840,900	−60,700
Shipbuilding and conversion	18,648,300	18,228,400	18,368,700	17,965,000	−683,300
Other procurement	3,970,200	3,933,300	3,971,800	3,936,500	−33,700
Procurement, Marine Corps	2,300,700	1,984,900	2,198,700	2,131,600	−169,100
Navy Reserve equipment	0	0	30,000	30,000	+30,000
Marine Corps Reserve equipment	0	0	30,000	30,000	+30,000
Total, Navy procurement	40,403,100	39,432,000	39,577,200	39,238,600	−1,164,500
Air Force:					
Aircraft	17,756,700	17,243,400	17,783,800	17,485,700	−271,000
Missiles	6,827,900	6,333,300	5,269,800	6,038,700	−789,200
Other procurement	5,845,200	5,656,700	5,721,600	5,656,700	−188,500
Air Force Reserve equipment	0	0	30,000	30,000	+30,000
Air Force National Guard equipment	0	0	30,000	30,000	+30,000
Total, Air Force procurement	30,429,800	29,233,400	28,835,200	29,241,100	−1,188,700
Defense agencies procurement	890,300	863,400	859,600	859,600	−30,700
Total, procurement	89,552,900	86,596,700	85,787,800	86,392,600	−3,160,300
Research, development, test, and evaluation:					
Army	4,484,000	3,651,741	4,161,741	3,926,367	−557,633
Navy (including Marine Corps)	6,235,316	6,026,208	6,131,698	6,129,115	−106,201
Air Force	11,220,400	10,409,196	10,760,643	10,720,884	−499,516
Defense agencies	2,320,684	2,219,730	2,276,384	2,271,503	−49,181
Total, R.D.T. & E.	24,260,400	22,306,875	23,330,466	23,047,869	−1,212,531
Operation and maintenance:					
Army	18,638,775	18,554,775	18,675,775	18,622,714	−16,061
Navy (including Marine Corps)	24,348,985	23,722,215	24,075,915	23,897,865	−451,120
Air Force	20,472,800	19,783,900	19,937,300	19,884,800	−588,000
Defensewide activities	5,931,110	5,849,310	5,896,010	5,869,360	−61,750
Total, O. & M.	69,391,670	67,910,200	68,585,000	68,274,739	−1,116,931
Civil defense	252,340	252,340	144,530	152,340	−100,000
Grand total, authorization bill	183,457,310	177,066,115	177,847,796	177,867,548	−5,589,762

TITLE I.—PROCUREMENT, AIRCRAFT PROCUREMENT, ARMY

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Fixed wing:								
C–12D (Huron)	6	11.0	12	22.0	6	11.0	12	22.0
RC–12D (Guardrail)	6	41.2	6	41.2	6	41.2	6	41.2
Rotary:								
EH–60A (Quickfix) advance procurement (CY)		33.3		25.4		25.4		25.4
AH–64 (Apache)	48	(824.7)	48	(777.7)	0	(137.4)	48	(774.4)
Less advance procurement (PY)		(−64.4)		(−64.4)		(−64.4)		(−64.4)
Net		760.3		713.3		73.0		710.0
AH–64 advance procurement (CY)		116.5		116.5		0		115.0
AH–1S (Cobra/Tow)		0	12	58.8		0	11	53.9
UH–60A (Black Hawk)	96	(569.2)	96	(483.6)	96	(483.6)	96	(483.6)
Less advance procurement (PY)		(−60.6)		(−60.6)		(−60.6)		(−60.6)
Net		508.6		423.0		423.0		423.0
UH–60A advance procurement (CY)		207.6		145.9		145.9		145.9
Total, aircraft		(1,678.5)		(1,546.1)		(719.5)		(1,536.4)
Modification of aircraft		405.6		415.5		405.6		386.0
AH–1		(32.7)		(87.7)		(32.7)		(32.7)
AHIP		(45.1)		(0)		(45.1)		(28.7)
Undistributed reduction		(0)		(0)		(0)		(−3.2)
Spares and repair parts		482.5		421.3		482.5		448.2
AH–1S		(4.7)		(13.5)		(4.7)		(7.7)
Replenishment spares		(331.1)		(261.1)		(331.1)		(293.8)
Support equipment and facilities		179.3		158.7		179.3		171.0
AH–1 flight simulators		(41.6)		(27.7)		(41.6)		(40.0)
High technology test bed		(6.7)		(0)		(6.7)		(0)
Total, aircraft procurement, Army		2,745.9		2,541.6		1,786.9		2,541.6

C–12D utility aircraft (Huron)

The budget request contained $11.0 million for procurement of 6 C–12 aircraft. The Senate bill authorized the amount requested. The House amendment authorized $22.0 million for 12 C–12 aircraft.

The conferees recommend authorization of $22.0 million for procurement of 12 aircraft.

AH–64 attack helicopter (Apache)

The budget request contained $760.3 million for procurement of 48 AH–64 helicopters and $116.5 million for advance procurement. The Senate bill authorized $73.0 million to defer production of the AH–64 for one year and contained no funds for advance procurement. The House amendment authorized $713.3 million for procurement of 48 helicopters and $116.5 million for advance procurement.

The conferees recommend authorization of $710.0 million for procurement of 48 AH–64 helicopters and $115.0 million for advance procurement.

AH–1S attack helicopter (Cobra/TOW)

No authorization was requested for the AH–1S helicopter. The House amendment authorized $58.8 million for procurement of 12 AH–1S helicopters. The Senate bill contained no authorization for AH–1S helicopters.

The conferees recommend authorization of $53.9 million for procurement of 11 AH–1S helicopters.

Modification of aircraft

The budget request contained $405.6 million for modification of Army aircraft including $32.7 million for AH–1 modifications and $45.1 million for the Army helicopter improvement program (AHIP). The Senate bill authorized the amount requested. The House amendment authorized $415.5 million for modification of Army aircraft, including $87.7 million AH–1 modifications and no funds for AHIP modifications.

The conferees recommend authorization of $386.0 million for modification of Army aircraft, including $32.7 million for AH–1 modifications, $28.7 million for AHIP modifications and a $3.2 undistributed reduction.

Aircraft spares and repair parts

The budget request contained $482.5 million for procurement of Army aircraft spares and repair parts including $4.7 million for AH–1 parts and $331.1 million for replenishment spares. The Senate bill authorized the amount requested. The House amendment authorized $421.3 million for Army aircraft spares and repair parts including $13.5 million for AH–1 parts and $261.1 million for replenishment spares.

The conferees recommend authorization of $448.2 million for procurement of Army aircraft spares and repair parts including $7.7 million for AH–1 parts and $293.8 million for replenishment spares.

Aircraft support equipment and facilities

The budget request contained $179.3 million for Army aircraft support equipment and facilities including $41.6 million for AH–1 flight simulators and $6.7 million for high technology test base. The Senate bill authorized the amount requested. The House amendment authorized $158.7 million for Army aircraft support equipment and facilities including $27.7 million for AH–1 flight simulators and no funds for high technology test base.

The conferees recommend authorization of $171.0 million for Army aircraft support equipment and facilities including $40.0 million for AH–1 flight simulators and no funding for high technology test base.

MISSILE PROCUREMENT, ARMY

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Amount	Quantity	Quantity	Amount
Surface-to-air missiles:								
U.S. Poland		61.3		61.3		61.3		61.3
Patriot	376	805.1	376	805.1	376	805.1	376	805.1
Stinger	2,256	214.6	2,256	214.6	2,256	214.6	2,256	214.6
Chaparral		0	[1]16	51.9		0		0
Air-to-surface missiles: Laser Hellfire	3,971	249.2	3,971	249.2	3,971	249.2	3,971	249.2
Antitank/assault missiles:								
TOW (BGM–71A, BTM–71A)	12,000	145.2	12,000	145.2	12,000	145.2	12,000	145.2
Pershing II	91	498.3	91	498.3	91	498.3	91	498.3
Multiple launch rocket system	23,640	368.9	23,640	368.9	23,640	368.9	23,640	368.9
Multiple launch rocket system advance procurement (CY)		53.2		53.2				53.2
Other missile support		4.5		4.5		4.5		4.5
Total, missiles		(2,400.3)		(2,452.2)		(2,400.3)		(2400.3)

MISSILE PROCUREMENT, ARMY—Continued

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Amount	Quantity	Quantity	Amount
Modification of missiles		93.0		93.0		93.0		93.0
Spares and repair parts		233.3		233.3		233.3		233.3
Support equipment and facilities		120.0		120.0		120.0		120.0
Total, missile procurement, Army		2,846.6		2,898.5		2,846.6		2,846.6

[1] Fire units.

Chaparral

The budget request did not contain funds for the procurement of Chaparral air defense systems. The House amendment authorized $51.9 million for the procurement of 16 Chaparral air defense fire units. Further, the House report (H. Rept. 97-482) instructs the Army to transfer to the Army National Guard 16 of the 32 Chaparral fire units used as replacements for units in depot maintenance. The Senate bill contained no authorizations for Chaparral air defense systems.

The conferees agree that there is a requirement to equip National Guard units with air defense systems adequate to meet the air threat of the 1980's and beyond. Accordingly, the conferees noted that the Army should give full consideration to Army National Guard air defense requirements in future budget requests.

The House recedes.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

[Amount in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Tracked combat vehicles:								
M577A2 command post vehicle	114	23.5	0	0	114	23.5	0	0
M113A2 armored personnel carrier	520	92.0	520	92.0	520	92.0	520	92.0
M2/M3 Bradley fighting vehicle	600	(853.1)	600	(865.5)	600	(843.1)	600	(843.1)
Less advance procurement (PY)		(−59.8)		(−59.8)		(−59.8)		(−59.8)
Net		793.3		805.7		783.3		783.3
M2/M3 advance procurement (CY)		49.2		49.2		49.2		49.2
F/IFV/CFV training devices		38.3		38.3		38.8		38.8
Field artillery ammunition support vehicle (FAASV)	250	106.2	144	61.0	0	0	144	61.0
M88a1 recovery vehicle	180	157.8	180	157.8	180	157.8	180	157.8
M1 Abrams tank	776	(1,671.8)	776	(1,592.2)	720	(1,545.6)	855	(1,773.4)
Less advance procurement (PY)		(−214.8)		(−214.8)		(−214.8)		(−214.8)
Less PY authorization transfer		(0)		(0)		(0)		(−198.2)
Net		1,476.0		1,376.4		1,330.8		1,360.4
M1 advance procurement (CY)		432.3		432.3		363.9		380.9
M60 tank training devices		12.6		12.6		12.6		12.6
M1 tank training equipment		58.2		58.2		58.2		58.2
Light armored squad carrier	158	51.7	0	0		0		0
Mobile protected gun-cannon vehicle	76	51.9	0	0	175	11.3		25.0
Mobile protected gun-recovery vehicle	24	7.7	0	0	0	0	0	0
Modification of tracked combat vehicles		378.5		266.6		378.5		357.3
M60 modifications		(162.9)		(132.9)		(162.9)		(162.9)
ITV modifications		(81.9)		(0)		(81.9)		(60.7)
FIST–V		(63.8)		(63.8)		(63.8)		(40.0)
Spares and repair parts		383.5		383.5		373.2		381.3
FAASV		(4.6)		(4.6)		(0)		(4.6)
M–1		(135.7)		(135.7)		(130.0)		(133.5)
Production base support		105.5		147.2		105.5		147.2
Items less than $900,000		.9		.9		.9		.9
Total, tracked combat vehicles, Army		(4,200.8)		(3,882.2)		(3,879.5)		(3,82.1)
Weapons:								
DIDAD gun	96	(575.2)	96	(575.2)	96	(575.2)	96	(575.2)
Less advance procurement (PY)		(−54.1)		(−54.1)		(−54.1)		(−54.1)
Net		521.1		521.1		521.1		521.1
DIVAD advance procurement (CY)		74.4		74.4		74.4		74.4
M240 armor machine gun	5,400	26.4	5,400	26.4	5,400	26.4	5,400	26.4
Squad automatic weapon (SAW)	3,579	10.5	3,579	10.5	3,579	10.5	3,579	10.5
Launcher, smoke grenade	5,742	3.4	5,742	3.4	5,742	3.4	5,742	3.4
XM252 (81mm mortar)	352	10.6	352	10.6	352	10.6	352	10.6
9mm personal defense weapons	11,500	4.4	0	0	0	0	0	0
Vehicle rapid fire weapons system	532	33.4	532	33.4	532	33.4	532	33.4
Magnetic heading set	480	3.7	480	3.7	480	3.7	480	3.7
MHS-gyro group	76	1.5	76	1.5	76	1.5	76	1.5
Modification of other weapons		.9		.9		.9		.9
Support equipment and facilities		139.6		139.6		139.6		139.6
Spares and repair parts		(107.9)		(107.9)		(107.9)		(107.9)
Total, weapons, Army		(829.9)		(825.5)		(825.5)		(825.5)
Total, procurement of weapons and tracked combat vehicles, Army		5,030.7		4,707.7		4,705.0		4,707.6

M557A2 command post carrier

The budget request contained $23.5 million for the procurement of 114 command post carriers. The Senate bill authorized the requested amount. The House amendment authorized no funds for the procurement of the M557A2 Command Post Carrier.

The Senate recedes.

Bradley fighting vehicles

The budget request contained $793.3 million for the procurement of 600 Bradley Fighting Vehicles and $49.2 million for advance procurement of longlead components. The Senate bill authorized $783.3 million for the procurement of 600 Bradley Fighting Vehicles, a reduction of $10 million. The Senate bill also authorized $49.2 million for advance procurement. The House amendment authorized $805.7 million for 600 Bradley Fighting Vehicles and $49.2 million for advance procurement.

The House recedes.

Field Artillery Ammunition Support Vehicle

The budget request contained $106.4 million for the procurement of 250 Field Artillery Ammunition Support Vehicles (FAASV's). The Senate bill deleted funds for the FAASV. The House amendment authorized $61 million for the procurement of 144 FAASV's.

The Senate recedes.

M-1 Abrams tank

The budget request contained $1,457 million to procure 776 M-1 tanks and $432.3 million for advance procurement. The Senate bill authorized $1,330.8 million for the procurement of 720 tanks and $363.9 million for advance procurement.

The House amendment authorized $1,376.4 million for the procurement of 776 M-1 tanks and $432.3 million for advance procurement. The House authorization represents a reduction of $80.6 million. The $80.6 million was initially intended to be used to support the development of a second source contractor for portions of the M-1 fire control system. The $80.6 million is no longer needed because the Army has decided to use a multiyear contracting approach in lieu of the second source approach.

The conferees were informed that because of favorable contract negotiations, it is now possible to procure 855 M-1 tanks, 79 more tanks than originally requested, for $1,360.4 million, which is $96.6 million less than requested. The conferees were told that in order to realize these cost efficiencies, it would be necessary to allow the Army to transfer forward from prior year authorizations a total of $198.2 million.

The conferees agreed to authorize $1,360.4 million for the procurement of 855 M-1 tanks, to authorize $380.9 million for advance procurement for 900 M-1 tanks, and to provide transfer authority to allow the Army to utilize the $198.2 million from prior year authorizations.

Mobile protected gun-cannon vehicle

The budget request contained $51.9 million to procure 76 Mobile Protected Gun-cannon (MPG-C) vehicles, $51.7 million to procure 158 Light Armored Squad Carriers (LASC's), and $7.7 million to procure 24 Mobile Protected Gun-recovery (MPG-R) vehicles. Subsequent to the original budget request, the Army decided to restructure the program by eliminating the requirement for the MPG-R and the LASC. The restructured program resulted in a budget request of $111.3 for 175 Mobile Protected Gun-cannon Vehicles. The Senate bill authorized the $111.3 million for 175 vehicles. The House amendment did not authorize funds for the MPG-C vehicle.

The conferees recommend the authorization of $25 million for the procurement of Mobile Protected Gun-cannon Vehicles, a reduction of $86.3 million from the budget request.

The conferees agreed that none of the funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for the procurement of Mobile Protected Gun-cannon vehicles for the Army until 30 days following submission of a report by the Secretary of Defense explaining and providing rationale for the source selection decision for such vehicles. Such report shall also dscribe the mission variants of vehicles and the numbers of such mission variants to be procured by the Army and Marine Corps to constitute a complete procurement program. Such report shall also include a certification by the Secretary of Defense:

That the baseline light armored vehicle selected by the Army and Marine Corps for procurement from among the candidates evaluated for source selection is the most cost-effective of such candidates; and

That the procurement program for the Army described by the Secretary in his report is affordable within the Army's overall procurement program from fiscal year 1983 through fiscal year 1987.

The conferees further agreed that funds appropriated for the Army procurement program for mobile protected guns should be transferred to the Marine Corps procurement program for light armored vehicles if the requested report and certifications are not received from the Secretary of Defense by December 31, 1982.

Tracked and combat vehicle modifications

The budget request contained $378.5 million for the modification of tracked and combat vehicles. The budget request included $162.2 million for modification kits for the M60 tank series, $81.5 million for modification kits for the Improved Tow Vehicle (ITV), and $63.8 million for modifications to the Fire Support Team Vehicle (FISTV). The Senate bill authorized the requested amount. The House amendment reduced the amount requested by $111.9 million to $266.6 million.

The conferees recommend an authorization of $353.3 million, including $162.9 million for M60 tank modifications, $60.7 million for ITV modifications, and $40 million for FISTV modifications.

Spares and repair parts/productions base support

The budget request contained $489.9 million for support equipment and facilities to include $383.5 million for spares and repair parts. The $383.5 million for spares and repair parts included $135.7 million for the M1 tank spares and repair parts and $4.6 million for spares and repair parts for the Field Artillery Ammunition Support Vehicle (FAASV). The Senate bill authorized $479.6 million for support equipment and facilities to include $130 million for the M1 tank spares and repair parts. The Senate bill deleted $4.6 million for spares and repair parts for the FAASV. The House amendment authorized $531.6 million for support equipment and facilities, including $135.7 million for spares and repair parts for the M1 tank and $4.6 million for the FAASV. The House amendment also authorized $41.7 million for production base supports for the continuation of the Renovation of Armament Manufacturing (REARM) program. Additionally, the House report (H. Rept. 97-482) requested that future Defense Department budgets reflect funding for the REARM program in the Army weapons and tracked vehicle account. This would permit the continuation of the REARM program as an integral part of the weapons and tracked combat vehicles program.

The Senate recedes on the $4.6 million for the FAASV and the $41.7 million for the REARM program.

The conferees recommend authorization of $133.5 million for spares and repair parts for the M1 tank, $4.6 million for spares and repair parts for FAASV, and $41.7 million for the REARM program.

AMMUNITION, ARMY

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ammunition		2,205.6		1,987.2		2,305.6		2,068.6
Copperhead		(183.6)		(0)		(183.6)		(15.0)
Bushmaster (25mm)		(103.8)		(87.4)		(103.8)		(103.8)
Chemical munitions		(18.4)		(0)		(18.4)		(0)
Undistributed		(0)		(0)		(100.0)		(50.0)
Ammunition production base support		433.4		423.4		433.4		423.4
Less financing adjustments						−5.6		−5.6
Total, ammunition, Army		2,639.0		2,410.6		2,733.4		2,486.4

Copperhead 155mm projectiles

The budget request contained $183.6 million for the procurement of 7,629 Copperhead 155mm projectiles. The Senate bill authorized the requested amount. The House amendment deleted funds for the procurement of Copperhead 155mm projectiles.

The conferees noted that the Copperhead program has experienced technical difficulties and cost growth, and that Copperhead inventory levels are generally sufficient to satisfy currently planned inventory requirements. The conferees were informed that $15 million would be required to cover the cost of terminating the Copperhead program.

Without prejudice, the conferees, therefore, recommend authorization of $15 million.

25 millimeter ammunition

The budget request contained $103.8 million for the procurement of Bushmaster 25mm ammunition. The Senate bill authorized the requested amount. The House amendment authorized $87.4 million for 25mm ammunition, a reduction of $16.4 million.

The House recedes.

Chemical munitions

The budget request contained $18.4 million for the procurement of 155mm binary munitions. The Senate bill authorized the requested amounts. The House amendment

contained no funds for the production of 155mm binary chemical munitions.

The Senate recedes with an amendment (see detail explanation in the discussion in section 1124).

Undistributed

The budget request contained a total of $2639.0 million for the procurement of Army ammunition. The Senate bill authorized an increase of $100 million to be used in support of training and war reserve requirements. The House amendment did not authorize any additional funds for this account.

The conferees recommend the authorization of $50 million for training and war reserve requirements.

Ammunition production base support

The budget request contained $10 million for industrial facilities to support binary chemical production. The Senate bill authorize the amount requested. The House amendment contained no funds for binary production.

The Senate recedes with an amendment (see detail explanation in the discussion in section 1124).

Financing adjustment

The Senate bill contained a budget adjustment of $5.6 million in the Army ammunition account. The House amendment did not include the $5.6 million reduction.

The House recedes.

OTHER PROCUREMENT, ARMY

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Tactical and support vehicles		1,256.5		1,356.5		1,256.5		1,256.5
Communications and electronics equipment		2,339.2		2,221.6		2,135.7		2,162.8
IDHS		(8.5)		(6.4)		(6.0)		(6.0)
Tactical digitial facsimile		(6.8)		(0)		(6.8)		(6.8)
Piranha applique jammer		(10.2)		(0)		(6.0)		(8.2)
Army Nat'l Guard equipment		(0)		(11.9)		(0)		(0)
Joint crisis mgmt cap		(44.5)		(0)		(0)		(0)
Hi speed buffer TD–1065		(28.5)		(23.5)		(23.5)		(23.5)
DLDED		(24.6)		(15.4)		(15.4)		(15.4)
4th Psyops GP equipment		(13.5)		(5.8)		(5.8)		(5.8)
Intel camm equipment		(7.9)		(3.9)		(3.9)		(3.9)
Initial spares		(209.5)		(189.5)		(189.5)		(189.5)
Team pack		(9.7)		(9.7)		(0)		(0)
AN/TRC–170		(39.6)		(39.6)		(35.6)		(35.6)
AN/GRC–193		(29.6)		(29.6)		(24.6)		(29.6)
AN/DRC–104		(22.8)		(22.8)		(17.8)		(20.0)
AN/TRC–113		(23.4)		(18.4)		(18.4)		(18.4)
AN/TRC–145		(23.9)		(18.9)		(18.9)		(18.9)
TD–1289		(23.4)		(23.4)		(15.4)		(15.4)
EUCOM C3		(44.9)		(44.9)		(29.9)		(29.9)
KY–57		(53.2)		(48.2)		(48.2)		(48.2)
KY–58		(11.8)		(6.8)		(6.8)		(6.8)
PLRS		(32.4)		(32.4)		(17.4)		(25.4)
SIGINT simulators		(12.0)		(12.0)		(7.9)		(7.9)
Team pack PIPS		(28.0)		(28.0)		(16.0)		(25.7)
Undistributed		(0)		(0)		(−7.6)		(−7.6)
Items less than $900,000		(7.0)		(7.0)		(6.0)		(6.0)
Other support equipment		(971.8)		(971.8)		(971.8)		(971.8)
PY authorization transfer		(0)		(−40.4)		(0)		(0)
Net		971.8		931.4		971.8		971.8
Total, other procurement, Army		4,567.5		4,509.5		4,364.0		4,391.1

Tactical and support vehicles

The budget request contained $1,256.5 million for the procurement of tactical and support vehicles to include 5-ton trucks, 10-ton trucks, high mobility multi-purpose wheeled vehicles (HMMWV), and commercial and utility cargo vehicles (CUCV). The House amendment authorized $1,356.5 million for tactical and support vehicles which represent an increase of $100 million over the budget request. The House indicated that the additional authorization is to procure 5-ton and 10-ton trucks for Army National Guard and Reserve units and to procure additional ¼-ton and ¾-ton vehicles for active Army units. The House also requested the Army to conduct a comprehensive study of its vehicle replacement requirements.

The Senate bill did not authorize additional funds in the Army tactical and support vehicle account.

The conferees agreed that shortages exist in the area of tactical and support vehicles and that these shortages are particularly acute in Army National Guard and Reserve units. The conferees noted that the Senate bill contained a total of $80 million for Army National Guard and Reserve equipment which could, in part, be used to procure tactical and support vehicles.

The House recedes.

Intelligence Data Handling System

The Army request contained $8.5 million for an Intelligence Data Handling System. The Senate bill would authorize $6 million for that purpose. The House amendment would authorize $6.4 million. The conferees recommend an authorization of $6 million.

The House recedes.

Tactical digital facsimile

The budget request contained $6.8 million for the procurement of tactical digital facsimile equipment. The Senate bill authorized the requested amount. The House amendment did not contain funds for tactical data facsimile equipment.

The House recedes.

Piranha Applique Jammer

The budget request contained $10.2 million for the Piranha Applique Jammer. The Senate bill authorized $6.0 million.

The conferees recommended $8.2 million for the procurement of Piranha Applique Jammers.

Army National Guard equipment

The House amendment authorized $11.9 million for the procurement of communications and electronics equipment for the Army National Guard. The Senate bill did not contain a specific authorization for communications and electronics equipment for the Army National Guard.

The conferees agreed that because the Senate bill contained funds for Army National Guard equipment, a specific line item authorization for the procurement of communications and electronics equipment is not necessary.

The House recedes.

Team Pack

The Army request contained $9.7 million for Team Pack, an intelligence system. The Senate bill would provide no authorization for this item. The House amendment would authorize $9.7 million.

The conferees recommended no authorization for Team Pack for fiscal year 1983.

The House recedes.

AN/TRC-170 radio terminal

The budget request contained $39.6 million for the procurement of AN/TRC-170 equipment. The House amendment authorized the amount requested. The Senate bill reduced the amount requested by $4 million and authorized $35.6 million for the procurement of requested equipment.

The House recedes.

AN/GRC-193 HF radio

The budget request contained $29.6 million for the procurement of AN/GRC-193 equipment. The House amendment authorized the requested amount. The Senate bill authorized $24.6 million for the procurement of the equipment requested.

The Senate recedes.

AN/PRC-104 HF radio

The budget request contained $22.8 million for procurement of AN/PRC-104 equipment. The House amendment authorized the requested amount. The Senate bill au-

thorized $17.8 million for the requested equipment.

The conferees recommend an authorization of $20 million for the procurement of the equipment requested.

TD-1289 FM multiplexer

The budget request contained $23.4 million for the procurement of TD-1289 equipment. The House amendment authorized the requested amount. The Senate bill authorized $15.4 million for the procurement of the TD-1289 equipment.

The House recedes.

European Command (EUCOM) command control communications

The budget request contained $44.9 million for the procurement of EUCOM Command Control Communications. The House amendment authorized the requested amount. The Senate bill reduced the amount by $15 million for an authorization of $29.9 million.

The House recedes.

Position locating radar system (PLRS)

The budget request contained $32.4 million for the procurement of PLRS. The House amendment recommended authorization of the requested amount. The Senate bill recommended $17.4 million for PLRS.

The conferees recommend authorization of $25.4 million for the procurement of PLRS.

Signal intelligence simulators

The Army requested $12 million for Signal Intelligence Simulators. The Senate bill would authorize $7.9 million for this purpose. The House amendment would authorize the amount requested. The conferees recommend an authorization of $7.9 million.

The Senate recedes.

Team pack PIPS

The Army request contained $28 million for Team Pack System Improvements. The Senate bill would authorize $16 million for this purpose. The House amendment would authorize the amount requested. The conferees recommend an authorization of $25.7 million

The Senate recedes with an amendment.

Undistributed reduction

The Senate bill authorized an undistributed reduction of $7.6 million within the communications and electronics equipment account. The House amendment did not contain a similar reduction.

The House recedes.

General Defense Intelligence Programs (GDIP)

The budget request contained $7 million for GDIP. The House amendment recommends authorization of the required amount. The Senate bill recommends authorization of $6 million for GDIP.

The House recedes.

Other support equipment

The budget request contained $971.8 million for other support equipment. The Senate bill authorized the requested amount.

The House report pointed out that no authorization was requested in fiscal year 1983 for the procurement of the Armored Combat Earthmover (ACE). The report further indicated that although $40.4 million was appropriated in fiscal year 1982 to procure 36 ACE's, the Army had not developed and approved an acquisition strategy for the ACE program. Consequently, the House amendment authorized a transfer forward to fiscal year 1983 of $40.4 million as an offset to fiscal year 1983 Army Other Support Equipment requests. This resulted in a House authorization of $931.4 million. The Army has since developed an approved acquisition strategy for the ACE program.

The House recedes.

AIRCRAFT PROCUREMENT, NAVY [1]

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Combat aircraft:								
A-6E (Intruder)	8	(255.0)	8	(255.0)	0	(25.6)	8	(255.0)
Less advance procurement (PY)		(−7.3)		(−7.3)		(−7.3)		(−7.3)
Net		247.7		247.7		18.3		247.7
A-6E advance procurement (CY)		13.3		8.3		0		8.3
EA-6B (Prowler)	6	(306.8)	6	(306.8)	12	(511.3)	6	(306.8)
Less advance procurement (PY)		(−16.9)		(−16.9)		(−16.9)		(−16.9)
Net		289.9		289.9		494.4		289.9
EA-6B advance procurement (CY)		26.7		17.6		44.9		17.6
AV-8B (Harrier)	18	(714.1)	24	(845.5)	18	(714.1)	21	(816.0)
Less advance procurement (PY)		(−37.0)		(−37.0)		(−37.0)		(−37.0)
Net		677.1		808.5		677.1		779.0
AV-8B advance procurement (CY)		73.8		90.1		73.9		73.9
F-14A (Tomcat)	24	(1096.4)	24	(1096.4)	24	(1096.4)	24	(1096.4)
Less advance procurement (PY)		(−181.1)		(−181.1)		(−181.1)		(−181.1)
Net		915.3		915.3		915.3		915.3
F-14A advance procurement (CY)		202.4		202.4		202.4		202.4
F-18 (Hornet)	84	(2633.6)	84	(2633.6)	84	(2633.6)	84	(2633.6)
Less advance procurement (PY)		(−189.7)		(−189.7)		(−189.7)		(−189.7)
Net		2443.9		2443.9		2443.9		2443.9
F-18 advance procurement (CY)		283.7		283.7		319.2		283.7
CH-53E (Super Stallion)	11	(258.1)	11	(258.1)	11	(258.1)	11	(258.1)
Less advance procurement (PY)		(−2.5)		(−2.5)		(−2.5)		(−2.5)
Net		255.6		255.6		255.6		255.6
CH-53E advance procurement (CY)		33.5		2.9		33.5		2.9
AH-1T (Sea Corbra) advance procurement (CY)		17.2		17.2		17.2		17.2
SH-60B (Seahawk)	48	(995.8)	27	(695.8)	24	(675.8)	27	(754.1)
Less advance procurement (PY)		(−137.4)		(−137.4)		(−137.4)		(−137.4)
Net		858.4		558.4		538.4		616.7
SH-60B advance procurement (CY)		137.0		137.0		67.0		102.0
P-3C (Orion)	6	(335.0)	6	(335.0)	6	(335.0)	6	(335.0)
Less advance procurement (PY)		(−54.4)		(−54.4)		(−54.4)		(−54.4)
Net		280.6		280.6		280.6		280.6
P-3C advance procurement (CY)		48.8		48.8		48.8		48.8
E-2C (Hawkeye)	6	(336.8)	6	(336.8)	6	(336.8)	6	(336.8)
Less advance procurement (PY)		(−20.6)		(−20.6)		(−20.6)		(−20.6)
Net		316.2		316.2		316.2		316.2
E-2C advance procurement (CY)		21.3		21.3		21.3		21.3
SH-2F (Seasprite)	18	(189.1)	18	(189.1)	18	(189.1)	18	(189.1)
Less advance procurement (PY)		(−20.1)		(−20.1)		(−20.1)		(−20.1)
Net		169.0		169.0		169.0		169.0
SH-2F advance procurement (CY)		20.4		20.4		20.4		20.4
Total, combat aircraft		(7331.9)		(7134.8)		(6957.4)		(7112.4)

AIRCRAFT PROCUREMENT, NAVY [1]—Continued

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Airlift aircraft:								
C-9 (Skytrain II)		16.2		40.2		16.2		16.2
C-2 (COD)	8	(251.9)	8	(224.8)	8	(251.9)	8	(224.8)
Less advance procurement (PY)		(−33.0)		(−32.0)		(−33.0)		(32.0)
Net		218.9		192.8		218.9		192.8
C-2 advance procurement (CY)		48.9		10.8		48.9		10.8
Total, airlift aircraft		(284.0)		(243.8)		(284.0)		(219.8)
Trainer aircraft:								
T-34C (Mentor)	30	34.4	30	34.4	30	34.4	30	34.4
TH-57 (Sea Ranger)	21	23.2	21	23.2	21	23.2	21	23.2
Total, trainer aircraft		(57.6)		(57.6)		(57.6)		(57.6)
Other aircraft EC-130Q (Hercules TACAMO)		36.8		36.8		36.8		36.8
Modification of aircraft		1311.1		1356.1		1311.1		1356.1
R/F4		(9.9)		(54.9)		(9.9)		(54.9)
Spares and repair parts		2080.9		2115.4		2040.9		2041.9
AV-8B		(191.9)		(222.5)		(191.9)		(207.2)
F-14		(60.9)		(60.8)		(60.9)		(60.9)
C-9		(0)		(4.0)		(0)		(0)
SH-60B		(236.2)		(236.2)		(176.2)		(181.9)
EA-6B		(30.5)		(30.5)		(50.5)		(30.5)
Support equipment and facilities		480.0		480.0		480.0		480.0
Total, aircraft procurement, Navy		11582.3		11424.5		11167.8		11304.6

[1] Including Marine Corps aircraft.

A-6E attack aircraft (Intruder)

The budget request contained $247.7 million for procurement of 8 A-6E aircraft and $13.3 million for advance procurement. The Senate bill contained $18.3 million for production line termination costs and deleted advance procurement funding. The House amendment contained $247.7 million for procurement of 8 A-6E aircraft and $8.3 million for advance procurement.

The conferees recommend authorization of $247.7 million for procurement of 8 A-6E aircraft and $8.3 million for advance procurement.

EA-6B attack aircraft (Prowler)

The budget request contained $289.9 million for procurement of 6 EA-6B aircraft and $26.7 million for advance procurement. The Senate bill authorized $494.4 million for procurement of 12 aircraft and $44.9 million for advance procurement. The House amendment authorized $289.9 million for procurement of 6 aircraft and $17.6 million for advance procurement.

The conferees recommend authorization of $289.9 million for procurement of 6 EA-6E aircraft and $17.6 million for advance procurement.

AV-8B attack aircraft (Harrier)

The budget request contained $677.1 million for procurement of 18 AV-8B aircraft and $73.9 million for advance procurement. The Senate bill authorized the amount requested. The House amendment authorized $808.5 million for procurement of 24 aircraft and $90.1 million for advance procurement.

The conferees recommend authorization of $779.0 million for procurement of 21 AV-8B aircraft and $73.9 million for advance procurement.

F/A-18 fighter/attack aircraft (Hornet) (advance procurement)

The budget request contained $283.7 million for advance procurement of 96 F/A-18 aircraft. The Senate bill authorized $319.2 million for advance procurement. The House amendment authorized the amount requested.

The conferees recommend authorization of $283.7 million.

CH-53E helicopter (Super Stallion) (advance procurement)

The budget request contained $33.5 million for advance procurement for CH-53E helicopters. The Senate bill authorized the amount requested. The House amendment authorized $2.9 million.

The conferees recommend authorization of $2.9 million for advance procurement of CH-53 helicopters.

SH-60B ASW helicopter (Seahawk)

The budget request contained $858.4 million for procurement of 48 SH-60B helicopters and $137.0 million for advance procurement. The Senate bill authorized $538.4 million for procurement of 24 helicopters and $67.0 million for advance procurement. The House amendment authorized $558.4 million for procurement of 27 helicopters and $137.0 million for advance procurement.

The conferees recommend authorization of $616.7 million for procurement of 27 SH-60B helicopters and $102.0 million for advance procurement.

C-9 airlift aircraft (Skytrain II)

The Navy request contained $16.2 million for procurement of C-9 airlift aircraft. The Senate bill would authorize the amount requested. The House amendment would authorize $44.2 million, including $4 million for spares.

The conferees recommend an authorization of $16.2 million for procurement of C-9 airlift aircraft for the Navy in view of the authorization of $30 million for Naval Reserve equipment in Section 104 of the conference report.

The House recedes.

C-2 airlift aircraft (COD)

The budget request contained $218.0 million for procurement of 8 C-2 aircraft and $48.9 million for advance procurement under a multi-year procurement strategy. The Senate bill authorized the amount requested. The House bill authorized eight C-2 aircraft at $192.8 million with $10.8 million for advance procurement on an annual procurement basis.

The conferees agreed to an authorization of $192.8 million for procurement of 8 C-2 aircraft and $10.8 million for advance procurement.

Modification of aircraft, Navy

The Navy request contained $1,311.1 million for modification of Navy and Marine Corps aircraft. The Senate bill would authorize the amount requested. The House amendment would authorize $1,356.1 million—an increase of $45 million—for the procurement of side looking airborne radar and tactical electronic reconnaissance equipment for RF-4 aircraft operated by the Marine Corps. The conferees recommend an authorization of $1,356.1 million for the modification of aircraft.

The Senate recedes.

Aircraft spares and repair parts

The budget request contained $2,080.9 million for procurement of Navy aircraft spares and repair parts including $191.9 million for AV-8B, $60.9 million for F-14, $236.2 million for SH-60B, and $30.5 million for EA-6B. The Senate bill authorized $2,040.9 million for Navy aircraft spares and repair parts including $191.9 million for AV-8B, $60.9 million for F-14, $176.2 million for SH-60B and $50.5 million for EA-6B. The House amendment authorized $2,115.4 million for Navy aircraft spares and repair parts including $222.5 million for AV-8B, $60.8 million for F-14, $4.0 for C-9, $236.2 million for SH-60B, and $30.5 million for EA-6B.

The conferees recommend authorization of $2,041.9 million for procurement of Navy aircraft spares and repair parts including $207.2 million for AV-8B, $60.9 million for F-14, $181.9 million for SH-60B, and $30.5 million for EA-6B.

WEAPONS PROCUREMENT, NAVY

[Amounts in million of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ballistic missiles:								
UGM–72 (Poseidon)		9.7		9.7		9.7		9.7
UGM–96A (Trident I)	72	(816.1)	72	(816.1)	72	(813.1)	72	(813.1)
Less advance procurement (PY)		(−116.6)		(−116.6)		(−116.6)		(−116.6)
Net		699.5		699.5		696.5		696.5
UGM–96A advance procurement (CY)		43.3		43.3		36.3		36.3
Modification of ballistic missile		7.5		7.5		7.5		7.5
Spares and repair parts		1.1		1.1		1.1		1.1
Industrial facilities		2.6		2.6		2.6		2.6
Astronautics		12.8		12.8		12.8		12.8
Total, ballistic missiles		(776.5)		(776.5)		(766.5)		(766.5)
Other missiles:								
Strategic missiles:								
BGM–109 (Tomahawk)	120	(285.0)	120	(285.0)	120	(285.0)	120	(285.0)
Less advance procurement (PY)		(−14.0)		(−14.0)		(−14.0)		(−14.0)
Net		271.0		271.0		271.0		271.0
BGM–109 advance procurement (CY)		21.2		21.2		21.2		21.2
Tactical missiles:								
AIM/RIM–7 F/M (Sparrow)	670	132.8	670	132.8	670	132.8	670	132.8
AIM–9L/M (Sidewinder)	500	41.5	500	41.5	500	41.5	500	41.5
AIM–54A/C (Phoenix)	108	(249.1)	108	(249.1)	108	(249.1)	108	(249.1)
Less advance procurement (PY)		(−27.0)		(−27.0)		(−27.0)		(−27.0)
Net		222.1		222.1		222.1		222.1
AIM–54 advance procurement (CY)		34.2		34.2		34.2		34.2
AGM–84A (Harpoon)	231	(214.8)	231	(236.1)	231	(214.8)	231	(236.1)
Less advance procurement (PY)		(21.3)		(0)		(−21.3)		(0)
Net		236.1		236.1		236.1		236.1
AGM–88A (Harm)	208	176.8	208	176.8		95.8	208	176.8
RIM–66B (Standard MR)	650	192.3	650	192.3	650	192.3	650	192.3
RIM–66B advance procurement (CY)		60.3		0		60.3		0
RIM–66C (Standard MR)	150	122.8	150	122.8	150	122.8	150	122.8
RIM–67B (Standard ER)	375	302.8	375	302.8	375	302.8	375	302.8
AGM–65G (Laser Maverick)	90	33.1	90	33.1	90	33.1	90	33.1
Other missile support		5.3		5.3		5.3		5.3
Aerial targets		76.6		76.6		76.6		76.6
Modification of missiles		74.2		74.2		74.2		74.2
Spares and repair parts		103.5		103.5		103.5		103.5
Weapons industrial facilities		11.8		11.8		11.8		11.8
Energy conservation		2.7		2.7		2.7		2.7
Fleet satellite communications	2	231.3	2	231.3	2	231.3	2	231.3
Total, other missiles, Navy		(2352.4)		(2292.1)		(2271.4)		(2292.1)
Total, missiles, Navy		(3128.9)		(3068.6)		(3037.9)		(3058.6)
Torpedoes and related equipment:								
MK–48 torpedo	120	124.3	144	144.3	120	124.3	144	134.3
MK–46 torpedo	440	105.7	440	105.7	440	105.7	440	105.7
MK–46 advance procurement (CY)		35.5		35.5		35.5		35.5
MK–60 captor	500	151.4	500	151.4	500	151.4	500	151.4
MK–30 mobile target	5	19.4	5	19.4	5	19.4	5	19.4
MK–38 mini mobile target	1,200	2.3	1,200	2.3	1,200	2.3	1,200	2.3
Antisubmarine rocket (ASROC)		10.1		10.1		10.1		10.1
Modification of torpedoes		89.3		89.3		89.3		89.3
Support equipment		53.8		53.8		53.8		53.8
Spares and repair parts		13.1		13.1		13.1		13.1
Total, torpedoes and related equipment		(604.9)		(624.9)		(604.9)		(614.9)
Other weapons:								
MK–15 close in weapons system	39	118.7	39	118.7	39	118.7	39	118.7
MK–75 76MM gun mount	3	10.7	3	10.7	3	10.7	3	10.7
MK–19 machine gun	14	.4	14	.4	14	.4	14	.4
25MM gun mount	6	.4	6	.4	6	.4	6	.4
9MM handgun	1,100	.4	0	0	0	0	0	0
Modifications of guns and amounts		19.7		19.7		19.7		19.7
Support equipment		.4		.4		.4		.4
Spares and repair parts		17.1		17.1		17.1		17.1
Total, other weapons		(167.8)		(167.4)		(167.4)		(167.4)
Total weapons procurement, Navy		3901.6		3860.9		3810.2		3840.9

WEAPONS

The President's budget contained $3,901.6 million for Navy weapons.

The Senate bill contained an authorization of $3,810.2 million. The House amendment contained authorizations for Navy weapons totaling $3,860.9 million.

The conferees agreed to authorizations totaling $3,840.9 million for Navy weapons.

UGM–96A (C–4) ballistic missile (Trident I)

The budget request included $699.5 million for procurement of 72 Trident I missiles. The request also included $43.3 million for Trident I missile advance procurement. The Senate bill would authorize $696.5 million for procurement and $36.3 million for advance procurement. The House amendment would provide authorizations in the amounts requested.

The conferees recommend authorizations of $696.5 million for Trident I missile procurement and $36.3 million for advance procurement.

The House recedes.

AGM–88A missile (HARM)

The budget request contained $176.8 million for procurement of 208 HARM missiles. The Senate bill authorized $95.8 million for an indeterminate quantity of missiles. The House amendments authorized the amounts requested.

The conferees agreed to an authorization of $176.8 million for procurement of 208 missiles.

RIM-66B missile (Standard MR) (advance procurement)

The budget request contained $60.3 million for advance procurement for the RIM-66B Standard MR missile. The Senate bill authorized the amount requested. The House amendments authorized no funds for Standard MR missile advance procurement.

The conferees agreed to authorize no funding for Standard MR missile advance procurement.

MK-48 torpedo

The budget request included $124.3 million for procurement of 120 MK-48 torpedoes.

The Senate bill recommended authorization as requested.

The House amendment recommended authorization of $144.3 million for procurement of 144 torpedoes.

The conferees agreed to an authorization of $134.3 million for procurement of 144 torpedoes.

SHIPBUILDING AND CONVERSION, NAVY

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Trident ballistic missile submarine (nuclear)	2	(2,768.2)	1	(1,787.6)	2	(2,488.6)	1	(1,787.6)
Less advance procurement (PY)		(−527.1)		(−283.6)		(−527.1		(−283.6)
Net		2,241.1		1,504.0		1,961.5		1,504.0
Trident advance procurement (CY)		243.9		282.0		243.9		282.0
CVN nuclear aircraft carrier	2	(7,270.3)	2	(7,270.3)	2	(7,270.3)	2	(7,270.3)
Less advance procurement		(−475.0)		(−475.0)		(−475.0)		(−475.0)
Net		6,795.3		6,795.3		6,795.3		6,795.3
SSN-688 nuclear attack submarine	2	(1,196.8)	2	(1,196.8)	2	(1,196.8)	2	(1,196.8)
Less advance procurement (PY)		(−169.4)		(−169.4)		(−169.4)		(−169.4)
Net		1,027.4		1,027.4		1,027.4		1,027.4
SSN-688 advance procurement (CY)		416.0		416.0		416.0		416.0
Battleship reactivation (Iowa)	1	(4,11.4)	1	(4,11.4)	1	(4,11.4)	1	(4,11.4)
Less advance procurement (PY)		(−88.0)		(−88.0)		(−88.0)		(−88.0)
Net		323.4		323.4		323.4		323.4
Battleship reactivation (Missouri) advance procurement		94.0		94.0		94.0		94.0
CV SLEP (service life extension program)	1	(698.5)	1	(698.5)	1	(698.5)	1	(698.5)
Less advance procurement (PY)		(−162.0)		(−162.0)		(−162.0)		(−162.0)
Net		536.5		536.5		536.5		536.5
CV SLEP advance procurement (CY)		163.0		163.0		163.0		163.0
CG-47 Aegis cruiser	3	(3,132.9)	3	(3,132.9)	3	(3,132.9)	3	(3,132.9)
Less advance procurement (PY)		(−20.7)		(−20.7)		(−20.7)		(−20.7)
Net		3,112.2		3,112.2		3,112.2		3,112.2
CG-47 Aegis advance procurement (CY)		22.2		22.2		22.2		22.2
LSD-41 landing ship dock	1	379.2	1	379.2	1	379.2	1	379.2
LSD-41 advance procurement (CY)		37.8		37.8		37.8		37.8
LHD-1 air capable amphibious ship advance procurement (CY)		55.0		55.0		55.0		55.0
FFG-7 guided missile frigate	2	666.4	2	666.4	2	666.4	2	706.4
MCM mine countermeasure ship	4	371.6	4	371.6	4	371.6	4	371.6
TAO oiler (MYP)	1	210.2	1	210.2	1	210.2	1	210.2
TAO oiler advance procurement (CY)		109.8		109.8		109.8		109.8
AGOS SWATH ocean surveillance ship advance procurement (CY)		24.3		0		24.3		0
ARS salvage ship	1	74.0	1	74.0	1	74.0	1	74.0
ARS salvage ship advance procurement (CY)		10.0		10.0		10.0		10.0
TAKRX fast logistic ship (Conv.)	4	322.6	4	322.6	4	322.6	4	322.6
TAHX hospital ship (Conv.)	1	300.0	1	300.0	1	300.0	1	300.0
Service craft		79.0		79.0		79.0		79.0
Landing craft		(84.5)		(84.5)		(84.5)		(84.5)
Less advance procurement (PY)		(−1.4)		(−1.4)		(−1.4)		(−1.4)
Net		83.1		83.1		83.1		83.1
Outfitting		136.4		136.4		136.4		136.4
Post delivery		168.3		168.3		168.3		168.3
Ship contract design		97.2		97.2		97.2		97.2
Cost growth		314.2		314.2		314.2		314.2
Escalation on prior year programs		209.2		209.2		209.2		209.2
Manufacturing technology		25.0		25.0		25.0		25.0
Total, shipbuilding and conversion, Navy	25	18,648.3	24	18,228.4	25	18,368.7	24	17,965.0

SHIPBUILDING AND CONVERSION

The President's budget request contained $18,648.3 million for the construction, conversion, reactivation, service life extension and acquisition of 25 naval vessels.

The Senate bill contained an authorization of $18,368.7 million for 25 naval vessels. The House amendment contained authorizations totaling $18,228.4 million for 24 naval vessels.

The conferees agreed to authorizations totaling $17,965 million for 24 naval vessels.

Trident ballistic missile submarine (SSBN)

The President's budget request contained $2,485 million for the Trident submarine program, including full funding for the tenth and eleventh Trident submarines equipped to carry the Trident C-4 missile ($2,241.1 million) and long lead funding for the twelfth and thirteenth Trident submarines ($243.9 million).

The Senate bill recommended authorization of $2,205.4 million for the Trident submarine program, including partial funding for the tenth and eleventh Trident submarines ($1,961.5 million) and long lead funding for the twelfth and thirteenth Trident submarines ($243.9 million). The Senate recommendation excluded funds necessary to purchase equipment unique to the Trident C-4 missile.

The House amendment recommended authorization of $1,786 million for the Trident program, including $1,504 million for full funding of the tenth Trident submarine equipped to carry the Trident D-5 missile and $282 million for long lead procurement for the eleventh, twelfth and thirteenth Trident submarines and ship design work necessary to accommodate the D-5 missile.

The Senate recedes.

Guided missile frigate (FFG-7)

The budget request contained $666.4 million for procurement of two FFG-7 class guided missile frigates.

The Senate bill recommended authorization as requested.

The House amendment recommended authorization of $706.4 million for two FFG-7 class guided missile frigates with the provi-

sion that the $40 million addition to the budget request may be used only for the installation of an x-band phased array radar to improve the performance of the missile fire control system.

The conferees agreed to authorize $706.4 million for procurement of two FFG-7 class guided missile frigates with the provision that $40 million may be used only for an x-band phased array radar to provide an improved performance missile fire control system. The conferees intend that at least one of the two FFG-7 ships authorized be equipped with an x-band phased array radar.

The Senate recedes with an amendment.

Ocean surveillance ship (AGOS-SWATH)

The budget request contained $24.3 million for procurement of long lead components for a new class of ocean surveillance ship with a Small Water Area Twin Hull (SWATH) configuration.

The Senate bill recommended authorization as requested.

The House amendment recommended that the authorization be denied.

The Senate recedes.

Cost growth

The budget request contained $314.2 million for cost growth.

The Senate bill recommended authorization as requested by the President.

The House amendment recommended authorization of $577.6 million for cost growth, including the amount requested in the budget request and $263.4 million requested by the President as a supplementary authorization for fiscal year 1982.

The House recedes.

OTHER PROCUREMENT, NAVY

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ship support equipment		568.9		568.9		568.9		568.9
Communications and electronics		1,488.0		1,477.6		1,488.0		1,484.6
TRI-TAC		(7.0)		(0)		(7.0)		(7.0)
Prairie Wagon		(137.1)		(133.7)		(137.1)		(133.7)
Aviation support equipment		608.2		582.5		608.2		582.5
Bigeye chemical weapon		(25.7)		(0)		(25.7)		(0)
Ordnance support equipment		785.2		787.2		789.6		786.2
Submarine Tomahawk support equipment (SUBROC)		(31.4)		(33.4)		(31.4)		(32.4)
Small arms ammunition		(15.5)		(15.5)		(15.3)		(15.5)
Trident support equipment		(13.8)		(13.8)		(18.4)		(13.8)
Civil engineering support equipment		172.8		172.8		172.8		172.8
Supply support equipment		91.2		87.7		91.2		87.7
Special activities		(16.1)		(12.6)		(16.1)		(12.6)
Personnel/command support equipment		255.9		256.9		253.1		253.8
Support equipment		(24.0)		(24.7)		(21.2)		(21.9)
Total, Navy other procurement		3,970.2		3,933.3		3,971.8		3,936.5

OTHER PROCUREMENT

The President's budget request contained $3,970.2 million for Navy other procurement.

The Senate bill contained an authorization of $3,971.8 million. The House amendment contained an authorization totaling $3,933.3 million.

The conferees agreed to an authorization of $3,936.5 million for other procurement.

AN/UXC-4 (TRI-TAC)

The budget request contained $7 million for TRI-TAC. The Senate bill authorized the amount requested. The House amendment contained no authorization for TRI-TAC.

The House recedes.

AN/WLQ-4 (Prairie Wagon)

The Navy request contained $137.1 million for procurement for the Prairie Wagon program. The Senate bill would authorize the amount requested. The House amendment would authorize $133.7 million for this program. The conferees recommend an authorization of $133.7 million.

The Senate recedes.

Bigeye chemical weapon

The budget request contained $25.7 million for procurement of tooling and munitions for the Bigeye Binary Chemical Weapon. The Senate bill authorized the requested amount. The House bill contaned no funds for the Bigeye Binary Chemical Weapon.

The Senate recedes with an amendment (see detail explanation in discussion in section 1124).

Ordnance support equipment

The budget request contained $785.2 million for ordnance support equipment.

The Senate bill recommended $789.6 million for ordnance support equipment. The Senate recommendation included an addition of $4.6 million for Trident support equipment associated with the Trident D-5 missile and a reduction of $253 thousand to eliminate funds requested for procurement of 9 millimeter ammunition.

The House amendment recommended $787.2 million for ordnance support equipment, an addition of $2 million to the budget request to authorize support equipment necessary to maintain a capability to carry the SUBROC antisubmarine weapon on attack submarines after they have been modified to carry the Tomahawk missile.

The conferees agreed to $786.2 million for ordnance support equipment, an addition of $1 million to the budget request to authorize support equipment necessary to maintain a capability to carry the SUBROC antisubmarine weapon on attack submarines after they have been modified to carry the Tomahawk missile.

The Senate recedes with an amendment.

Supply support equipment, special activities

Within the amount requested for Navy supply support equipment, $16.1 million was included for special activities. The Senate bill would authorize the amount requested for this purpose. The House amendment would authorize $12.6 million. The conferees recommend the authorization of $12.6 million.

The Senate recedes.

Personnel/command support equipment, intelligence support equipment

Within the amount requested for Navy personnel and command support equipment, $24 million was included for intelligence support equipment. The Senate bill would authorize $21.2 million for this purpose. The House amendment would authorize $24.7 million. The conferees recommend an authorization of $21.9 million.

The House recedes with an amendment.

PROCUREMENT, MARINE CORPS

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ammunition		630.2		470.0		530.2		470.0
155mm ammunition		(396.1)		(235.9)		(396.1)		(235.9)
Undistributed reduction		(0)		(0)		(—100.0)		(0)
Tracked combat vehicles:								
LVT7A1 assault amphibian vehicle	168	151.5	168	151.5	168	151.5	168	151.5
LVT7 (SLEP)	363	157.2	363	157.2	363	157.2	363	157.2
Light armored vehicles	134	89.7	0	0	134	89.7	134	89.7
Spares and repair parts		15.0		15.0		15.0		15.0

PROCUREMENT, MARINE CORPS—Continued

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Modification kits		4.1		4.1		4.1		4.1
Total, tracked combat vehicles, Marine Corps		(417.5)		(327.8)		(417.5)		(417.5)
Artillery		7.5		7.5		7.5		7.5
Weapons:								
M2 50 caliber machinegun	273	3.0	273	3.0	273	3.0	273	3.0
9mm handgun	5,000	2.0	0	0	0	0	0	0
M60 machinegun	60	.2	60	.2	60	.2	60	.2
5.56mm light machinegun	2,907	8.4	2,907	8.4	2,907	8.4	2,907	8.4
M16A1 5.56mm rifle	54,725	28.5	54,725	28.5	54,725	28.5	54,725	28.5
MK–19 40mm machinegun	570	16.5	570	16.5	570	16.5	570	16.5
EOD equipment		.2		.2		.2		.2
SMAW 18mm rocket	295	2.2	295	2.2	295	2.2	295	2.2
Total, weapons, Marine Corps		(61.0)		(59.0)		(59.0)		(59.0)
Guided missiles:								
MIM–23B (Hawk)	213	75.4	213	75.4	213	75.4	213	75.4
MIM–23B (Hawk) modifications		20.7		20.7		20.7		20.7
Stinger	1,560	115.6	1,560	115.6	1,560	115.6	1,560	115.6
FGM–77 (Dragon)		.7		.7		.7		.7
BGM–71–A (TOW)	1,000	28.6	1,000	28.6	1,000	28.6	1,000	28.6
BGM–71–A (TOW) modifications		9.4		9.4		9.4		9.4
Spares and repair parts		12.0		12.0		12.0		12.0
Modification kits		1.5		1.5		1.5		1.5
Total, missiles, Marine Corps		(263.9)		(263.9)		(263.9)		(263.9)
Communications and electronics		476.8		426.8		476.8		476.8
AN/TPS–59 radar		(126.3)		(76.3)		(126.3)		(126.3)
Support vehicles		190.9		190.9		190.9		190.9
Engineer and other equipment		252.9		239.0		252.9		246.0
Medium tractor		(30.2)		(16.3)		(30.2)		(23.3)
Total procurement, Marine Corps		2,300.7		1,984.9		2,198.7		2,131.6

155 millimeter ammunition

The budget request contained $396.1 million for 155 mm ammunition. The Senate bill authorized the requested amount. The House amendment reduced the requested amount to $235.9 million, a reduction of $160.2 million.

The Senate recedes.

Undistributed reduction

The budget request contained $630.2 million for Marine Corps ammunition. The Senate bill authorized a general reduction of $100 million. The House amendment did not contain a similar reduction.

The Senate recedes.

Light armored vehicle

The budget request contained $89.7 million for the procurement of 134 Light Armored Vehicles (LAV's). The Senate bill authorized the requested amount. The House amendment deleted funds for the LAV program.

The House recedes.

AN/TPS–59 radar set

The budget requested contained $126.3 million for the procurement of 10 AN/TPS–59 radar sets. The Senate bill supported the budget request. The House amendment authorized the procurement of 5 AN/TPS–59 radar sets for $76.3 million, a reduction of $50 million.

The House recedes.

Tractors, medium full tracked

The budget request contained $30.2 million for the procurement of 216 medium tractors. The Senate bill authorized the requested amount. The House amendment bill authorized $16.3 million for the procurement of 116 medium tractors. The conferees recommend authorization of $23.3 million for the procurement of medium tractors.

AIRCRAFT PROCUREMENT, AIR FORCE

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Combat aircraft:								
Strategic offensive:								
LRCA (B1–B)	7	(3,650.1)	7	(3,650.1)	7	(3,650.1)	7	(3,650.1)
Less advance procurement (PY)		(−257.0)		(−257.0)		(−257.0)		(−257.0)
Net		3,393.1		3,393.1		3,393.1		3,393.1
B1–B-advance procurement (CY)		475.0		475.0		475.0		475.0
Tactical forces:								
A–10A/B (Thunderbolt II)	20	(398.3)	30	(427.1)	0	(70.0)	0	(70.0)
Less advance procurement (PY)		(−41.0)		(−62.2)		(−41.0)		(−41.0)
PY authorization transfer		(0)		(−35.6)		(0)		(0)
Net		357.3		329.3		29.0		29.0
A–10 advance procurement (CY)		0	LL 20	28.0		0		0
F–5F (Tiger II)	3	(33.3)	3	(33.3)	3	(33.3)	3	(33.3)
Less advance procurement (PY)		(−4.8)		(−4.8)		(−4.8)		(−4.8)
Net		28.5		28.5		28.5		28.5
F–15A/B/C/D/E (Eagle)	42	(1,422.2)	30	(1,082.6)	48	(1,530.6)	39	(1,340.4)
Less advance procurement (PY)		(−125.4)		(−100.4)		(−125.4)		(−100.4)
Net		1,296.8		982.2		1,405.2		1,240.4
F–15 advance procurement (CY)	LL 60/96	305.4	LL 30/30	142.1		202.5		162.0
F–16A/B (Falcon)	120	(2,107.7)	120	(2,107.7)	120	(2,107.7)	120	(2,083.9)
Less advance procurement (PY)		(−372.3)		(−372.3)		(−372.3)		(−372.3)
Net		1,735.4		1,735.4		1,735.4		1,711.6

AIRCRAFT PROCUREMENT, AIR FORCE—Continued

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
F-16 advance procurement (CY)		223.3		223.3		390.6		323.3
Other combat aircraft:								
KC-10A (Extender)	8	528.8	8	528.8		354.0		354.0
KC-10 advance procurement (CY)		261.3		261.3		441.0		441.0
E-3A (AWACS)	2	(232.9)	1	(130.6)	2	(232.9)	2	(232.9)
Less advance procurement (PY)		(−92.3)		(−100.0)		(−92.3)		(−92.3)
Net		140.6		30.6		140.6		140.6
E-3A advance procurement (CY)		25.7		50.0		25.7		25.7
MC-130H		0	2	(65.3)		0	2	(65.3)
Less advance procurement (PY)		0		(−27.0)		0		(−27.0)
Net		0		38.3		0		38.3
MC-130 advance procurement (CY)		0	LL 2	32.2		0		0
Total, combat aircraft		(8,771.2)		(8,278.1)		(8,620.6)		(8,362.5)
Strategic airlift:								
C-5B (Galaxy)	2	(970.0)	2	(970.0)	0	0	1	(747.5)
Less advance procurement (PY)		(−270.0)		(−270.0)		0		(−50.0)
Net		700.0		700.0		0		697.5
C-5B advanced procurement (CY)		100.0		100.0		0		102.5
Wide bodied cargo aircraft		0		0		(350.0)	3	(144.8)
Less advance procurment (PY)		0		0		(0)		(−84.8)
Net		0		0		350.0		60.0
Tactical airlift:								
European distribution aircraft	2	5.0	2	5.0	0	0	2	5.0
C-130H		0	8	144.6	4	75.0	4	72.5
C-130H (ski equipped)		0	4	106.5		0	4	106.5
Total, airlift aircraft		(805.0)		(1,056.1)		(425.0)		(1,044.0)
Other aircraft:								
TR-1A	4	(155.4)	4	(155.4)	4	(155.4)	4	(155.4)
Less advance procurement (PY)		(−9.6)		(−9.6)		(−9.6)		(−9.6)
Net		145.8		145.8		145.8		145.8
TR-1A advance procurement (CY)		10.7		10.7		10.7		10.7
Modification of aircraft		2,600.0		2,481.4		2,715.0		2,578.9
OV-10 SEEK TALK		(3.5)		(0)		(3.5)		(0)
F/RF-4		(127.3)		(120.2)		(127.3)		(120.2)
A-7		(41.5)		(90.5)		(41.5)		(90.5)
KC-135 reengining (CFM-56)		(490.6)		(375.6)		(490.6)		(375.6)
KC-135 reengining (JT-3D)		(0)		(0)		(115.0)		(60.0)
B-52		(554.6)		(521.6)		(554.6)		(554.6)
Undistributed		(0)		(−9.0)		(0)		(−4.5)
Spares and repair parts		3,656.6		3,526.6		3,654.4		3,578.4
C-130H		(0)		(10.0)		(0)		(7.0)
MC-130H		(0)		(5.0)		(0)		(5.0)
F-15		(80.1)		(57.1)		(88.9)		(74.4)
KC-10		(39.0)		(39.0)		(28.0)		(28.0)
C-5B		(60.0)		(60.0)		(0)		(47.5)
Wide-bodied cargo aircraft		(0)		(0)		(60.0)		(0)
Undistributed		(0)		(−122.0)		(0)		(−61.0)
Support equipment and facilities		1,767.4		1,744.7		1,767.4		1,765.3
Other production charges:								
LANTIRN		(15.7)		(0)		(15.7)		(15.7)
ECM pods		(237.4)		(275.9)		(237.4)		(275.9)
Classified program		(0)		(0)		(−5.1)		(−5.1)
Common ground equipment		(332.6)		(312.6)		(332.6)		(312.6)
War consumables		(140.8)		(115.3)		(140.8)		(125.3)
Total, other aircraft		(8,180.5)		(7,909.2)		(8,288.2)		(8,079.1)
Total, aircraft procurement, Air Force		17,756.7		17,243.4		17,333.8		17,485.7

A-10 aircraft (Thunderbolt II)

The budget request contained $357.3 million for procurement of 20 A-10 aircraft. The Senate bill authorized no aircraft and $29.0 million for line termination costs. The House amendment authorized $329.3 million for procurement of 30 aircraft and $28.0 million for advance procurement of 20 aircraft in fiscal year 1984.

The conferees agreed to authorize no aircraft and $29.0 million for line termination costs. The reduction from the amount requested is without prejudice.

F-15A/B fighter aircraft (Eagle)

The budget request contained $1,296.8 million for procurement of 42 F-15 aircraft in fiscal year 1983 and $305.4 million for advance procurement to support acquisition of 60 F-15's in fiscal year 1984 and 96 in fiscal year 1985. The Senate bill authorized $1,405.2 million for procurement of 48 aircraft in fiscal year 1983 and advance procurement of $202.5 million to support acquisition of 42 F-15's per year in fiscal years 1984 and 1985. The House amendment authorized $982.2 million for procurement of 30 aircraft in fiscal year 1983 and $142.1 million for advance procurement to support acquisition of 30 F-15's per year in fiscal years 1984 and 1985.

The conferees agreed to an authorization of $1,240.4 million for procurement of 39 aircraft in fiscal year 1983 and $162.0 million for advance procurement.

F-16A/B fighter aircraft (Falcon)

The budget request contained $1,735.4 million for procurement of 120 F-16's and $223.3 million for advance procurement of 120 aircraft per year in fiscal years 1984 and 1985 under a multiyear procurement contract. The Senate bill authorized the amount requested for fiscal year 1983 and authorized $390.6 million for advance procurement to support acquisition of 180 F-16's per year in fiscal years 1984 and 1985. The House amendment authorized the amounts requested.

The conferees agreed to an authorization of $1,711.6 million for procurement of 120 aircraft in fiscal year 1983. The reduction of $23.8 million deletes authorization for SEEK-TALK peculiar modifications to the F-16. The conferees also agreed to an authorization of $323.3 million for advance procurement, an increase of $100.0 million over the amount requested. This increase is to support the procurement of 30 additional F-16 aircraft in fiscal years 1984 and 1985 (for a total of 150 aircraft in each year) either by modification of the existing multiyear contract or by separate contract, whichever is more economical.

KC-10A advanced tanker/cargo aircraft

The request contained $528.8 million for procurement of 8 KC-10A aircraft in fiscal year 1983, $261.3 million for advance procurement and $39 million for initial spares. The Senate bill would authorize $354 million to procure 8 aircraft in fiscal year 1983, $441 million for advance procurement and $28 million for initial spares. The House amendment would authorize the amounts requested.

The conferees noted that the Senate amounts more closely match the authorizations required to fund the fiscal year 1983 increment of a multiyear contract for 44 KC-10A aircraft. The conferees, therefore, recommend authorizations of $354 million for procurement of 8 aircraft in fiscal year 1983, $441 million for advance procurement and $28 million for initial spares.

The conferees also note that the KC-10 multiyear contract is structured to begin with funding authorized for fiscal year 1982. The Administration has requested that $120 million be authorized and appropriated for that purpose. The Senate bill would authorize a supplemental appropriation for KC-10 aircraft in the amount of $120 million. The House amendment contained no supplemental authorization for that purpose. Title IX of the conference report contains a supplemental authorization of $120 million for Air Force aircraft. The conferees recommend that this amount be directed to the KC-10 program.

The House recedes.

E-3A Airborne Warning and Control System (AWACS)

The request contained $140.6 million to procure two E-3A aircraft in fiscal year 1983, $25.7 million for advance procurement for one aircraft in fiscal year 1984 and $10.4 million for spares. The Senate bill would authorize the amounts requested. The House amendment would authorize $30.6 million for one aircraft in fiscal year 1983, $50 million for advance procurement for two aircraft in fiscal year 1984 and $10.4 million for spares.

The conferees recommend authorizations in the amounts requested.

The House recedes.

MC-130H aircraft (Combat Talon)

No MC-130H aircraft were requested in the fiscal year 1983 budget request. The Senate bill contained no authorization for the MC-130H. The House amendment authorized $38.3 million for procurement of 2 MC-130H aircraft in fiscal year 1983 and $32.2 million for advance procurement to support acquisition of 2 aircraft in fiscal year 1984.

The conferees agreed to an authorization of $38.3 million for procurement of 2 MC-130H aircraft in fiscal year 1983. The conferees agreed to authorize no advance procurement.

C-5B airlift aircraft

The request contained $700 million to procure 2 C-5B aircraft in fiscal year 1983, $100 million for advance procurement for fiscal year 1984, and $60 million for initial spares. The Senate bill contained a provision (sec. 1129) that would prohibit the use of funds authorized to be appropriated for fiscal year 1983 or for prior fiscal years for the reestablishment of production facilities for manufacturing additional C-5 aircraft or for the procurement of additional C-5 aircraft.

The House amendment would authorize the appropriation of $860 million for facilities, materials, components, and other recurring and nonrecurring costs to begin a program for procurement of 50 C-5B aircraft and to procure two such aircraft in fiscal year 1983.

The conferees have strongly supported an increased outsize strategic airlift capability. The conferees have agreed to the earliest initiation of the C-5B program as the cornerstone of a comprehensive and balanced airlift program that includes KC-10A aircraft, the Civil Reserve Air Fleet (CRAF) enhancement program or another program to improve the military utility of commercial aircraft, and C-17 type technology development.

The conferees recommend authorization of $847.5 million for C-5B aircraft procurement for fiscal year 1983, consisting of: $697.5 million for procurement of facilities, materials, tooling, recurring and nonrecurring costs and for procurement of one C-5B; $102.5 million for advance procurement; and $47.5 million for initial spares. In addition, the conferees recommend authorizing the transfer of $50 million authorized and appropriated in fiscal year 1982 to the C-5B program.

The Senate recedes with an amendment.

Wide-bodied cargo aircraft

Section 1129 of the Senate bill would authorize $350 million for procurement in fiscal year 1983 of surplus commercial wide-bodied cargo aircraft that are suitable for conversion to military cargo configurations and that were owned by domestic companies on or before May 13, 1982. In addition, the Senate bill would authorize $120.9 million previously authorized and appropriated for the Civil Reserve Air Fleet (CRAF) enhancement program for the purpose of procuring surplus commercial wide-bodied aircraft.

The House amendment contained no similar provision.

The conferees agreed to authorize procurement of three commercial cargo aircraft for military airlift. The conferees have authorized $60 million for this purpose, in addition to reauthorizing for this new purpose $84.8 million appropriated in fiscal years 1981 and 1982 for the CRAF enhancement program.

The House recedes with an amendment.

European distribution system aircraft

The request contained $5 million to procure 2 off-the-shelf small cargo aircraft for use by the Air Force in the European Distribution System. The Senate bill contained no authorization for these aircraft. The House amendment would authorize the amount requested. The conferees recommend authorization of $5 million for two European Distribution System aircraft.

The Senate recedes.

C-130H tactical airlift aircraft

No authorization was requested for procurement of C-130H aircraft in fiscal year 1983. The Senate bill would authorize $75 million to procure 4 aircraft. The House amendment would authorize $251.1 million to procure 12 C-130H aircraft and $10 million for initial spares. Four of the aircraft that the House amendment would authorize would be equipped with skis for arctic operations.

The conferees recommend authorizations of $72.5 million for 4 C-130H aircraft, $106.5 million for 4 ski-equipped C-130H aircraft and $7 million for initial spares.

The Senate recedes with an amendment.

Modification of aircraft

The budget request contained $2,600.0 million for modification of Air Force aircraft. The Senate bill authorized $2,715.0 million. The House amendment authorized $2,481.4 million.

The conferees agreed to an authorization of $2,578.9 million for modification of Air Force aircraft including no authorization for CV-10 SEEK TALK modifications; $120.2 million for F/RF-4 modifications; $90.5 million for A-7 modifications of which $49.0 million is authorized for the A-7 forward looking infra-red (FLIR) modification program; $375.6 million for KC-135 CFM-56) reengining modifications; $60.0 million for KC-135 (JT-3D) reengining modifications; $554.6 million for B-52 avionics modifications; and a $4.5 million undistributed reduction in the aircraft modification account.

KC-135 CFM-56 reengining program. The Air Force request contained $490.6 million to modify 20 KC-135 tanker aircraft and for procurement of CFM-56 engines. The Senate bill would authorize the amount requested. The House amendment would authorize $375.6 million for the KC-135 CFM-56 modification program to modify 15 aircraft in fiscal year 1983. The conferees recommend the authorization of $375.6 million for KC-135 CFM-56 modifications.

The Senate recedes.

KC-135 JT-3D engine modification. No authorization was requested for procurement of used 707 aircraft or JT-3D aircraft engines. The Senate bill would authorize $115 million to procure a number of used commercial 707 aircraft to modify a number of KC-135 aircraft with used JT-3D engines. The House amendment contained no authorization for this purpose.

The conferees recommend the authorization of $60 million for reengining KC-135 aircraft with JT-3D engines.

The House recedes with an amendment.

B-52 avionics modification. The Air Force request contained $554.6 million for B-52 modifications, including $305.3 million for B-52 avionics modernization. The Senate bill would authorize the full amounts requested. The House amendment would authorize $521.6 million for B-52 modifications, reducing the authorization for avionics modernization by $33 million.

The conferees recommend an authorization of $554.6 million for B-52 modifications, including $305.3 million for avionics modernization.

The House recedes.

Aircraft spares and repair parts

The budget request contained $3,656.6 million for aircraft spares and repair parts. The Senate bill recommended authorization of $3,654.4 million for aircraft spares and repair parts. The House amendment authorized $3,526.6 million for this purpose. The conferees recommend the authorization of $3,578.4 million for Air Force aircraft spares and repair parts.

Included in this authorization is $7.0 million for C-130H spares and repair parts and $5.0 million for MC-130H spares and repair parts. Both the budget request and the Senate bill contained no recommended authorization for these items.

The administration requested $80.1 million for F-15 spares and the conferees recommended $74.4 million.

The budget request contained $39.0 million for KC-10 spares. The conferees recommended $28.0 million.

The House recommended an undistributed reduction of $122.0 million in spares and repair parts. The conferees agreed to a $61.0 million undistributed reduction.

Other production charges

The budget request contained $1,767.4 million for Air Force aircraft support equipment and facilities. The Senate bill authorized the requested amount while the House amendment recommended authorization of $1,744.7 million for aircraft support equipment and facilities.

The conferees recommend an authorization of $1,765.3 million for Air Force aircraft support equipment and facilities.

This recommendation would include authorization of $15.7 million for LANTIRN, $275.9 million for ECM pods, $312.6 million for common ground equipment and $125.3 million for war consumables.

Other production charges, classified program. The Senate bill would have reduced a classified program contained within the amount requested for the Air Force aircraft, Other Production Charges request by $5.1 million. The House amendment would not reduce this program. The conferees recommend a reduction of $5.1 million in this classified program. This action will be reflected in a classified annex to the statement of the managers.

The House recedes.

Airlift

The conferees, in this conference report, have strongly supported an increased outsize strategic airlift capability. The conferees have agreed to the early initiation of the C-5B program as the cornerstone of a comprehensive and balanced airlift program that includes KC-10A aircraft, the Civil Reserve Air Fleet (CRAF) enhancement program or other programs to improve the military utility of commercial aircraft, C-17 type aircraft technology development, and procurement of three wide-body airlift aircraft.

Civil Reserve Air Fleet (CRAF)

While the Civil Reserve Air Fleet (CRAF) program was not within the scope of the matters committed to the Joint Conference Committee, the conferees expect the Air Force to accelerate the CRAF enhancement program that is now a part of the five year defense plan. The Air Force has proposed revisions in its contracting procedures to achieve participation by commercial carriers and there are indications that the program can be executed on an accelerated basis.

The conferees would consider reprogramming requests to achieve that propose.

MISSILES, AIR FORCE

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ballistic missiles:								
Advanced ICBM (M-X)	9	(1,446.4)	9	(1,164.2)	0	0	5	(988.0)
PY authorization transfer				(−22.3)				(0)
Net		1,446.4		1,141.9		0		988.0
Other missiles:								
Strategic missiles:								
AGM-86B (ALCM)	440	(622.7)	440	(622.7)	440	(622.7)	440	(622.7)
Less advance procurement (PY)		(−1.2)		(−1.2)		(−1.2)		(−1.2)
Net		621.5		621.5		621.5		621.5
AGM-86 advance procurement (CY)		43.0		43.0		43.0		43.0
BGM-109 (GLCM)	120	(520.1)	120	(520.1)	120	(520.1)	120	(520.1)
Less advance procurement (PY)		(−29.8)		(−29.8)		(−29.8)		(−29.8)
Net		490.3		490.3		490.3		490.3
BGM-109 advance procurement (CY)		29.6		29.6		29.6		29.6
Tactical missiles:								
AIM-7F/M (Sparrow)	1,300	198.6	1,300	198.6	1,300	198.6	1,300	198.6
AIM-9L/M (Sidewinder)	1,920	114.7	1,920	114.7	1,920	114.7	1,920	114.7
AGM-65D (Maverick)	2,560	342.6	1,335	270.6	1,355	244.9	1,355	244.9
AGM-88A (Harm)	206	159.8	206	159.8		90.8	206	159.8
Rapier		98.9		148.9		98.9		148.9
Target drones		40.2		40.2		40.2		40.2
Total, other missiles		(2,139.2)		(2,117.2)		(1,972.5)		(2,091.5)
Modification of missiles		160.0		53.7		233.8		94.2
Titan II		(0)		(0)		(73.8)		(0)
Minuteman class V		(35.5)		(0)		(35.5)		(35.5)
Minuteman class IV		(57.8)		(42.8)		(57.8)		(42.8)
Minuteman transfer from fiscal year 1982		(0)		(−5.0)		(0)		(0)
ALCM		(50.8)		(0)		(50.8)		(0)
Spares and repair parts		274.0		223.3		223.3		223.3
Advanced ICBM (M-X)		(50.7)		(0)		(0)		(0)
Other support:								
Spaceborne equipment (COMSEC)		13.1		13.1		13.1		13.1
NAVSTAR GPS		102.0		102.0		102.0		102.0
Space launch support		87.6		87.6		87.6		87.6
Advance procurement (CY)		68.2		68.2		68.2		68.2
Satellite data system		(43.8)		(43.8)		(43.8)		(43.8)
Less advance procurement (PY)		(−21.3)		(−21.3)		(−21.3)		(−21.3)
Net		22.5		22.5		22.5		22.5
Defense meteorological satellite program		137.2		137.2		137.2		137.2
Advance procurement (CY)		30.7		30.7		30.7		30.7
Defense support program		(515.1)		(515.1)		(515.1)		(515.1)
Less advance procurement (PY)		(−107.6)		(−107.6)		(−107.6)		(−107.6)
Net		407.5		407.5		407.5		407.5
Defense satellite comm system		(201.4)		(201.4)		(176.4)		(191.4)
Less advance procurement (PY)		(−8.5)		(−8.5)		(−8.5)		(−8.5)
Net		192.9		192.9		167.9		182.9
AF satellite comm system		28.6		28.6		28.6		28.6
Space boosters		(39.1)		(39.1)		(39.1)		(39.1)
Less advance procurement (PY)		(−35.6)		(−35.6)		(−35.6)		(−35.6)
Net		3.5		3.5		3.5		3.5
Advance procurement (CY)		67.6		67.6		67.6		67.6
Space Shuttle		136.0		136.0		136.0		136.0
Industrial facilities		27.2		27.2		27.2		27.2
Special programs		(1,483.8)		(1,472.7)		1,540.7)		(1,481.2)
Less PY authorization transfer		(0)		(0)		(0)		(−154.0)
Net		1,483.8		1,472.7		1,540.7		1,372.2

MISSILES, AIR FORCE—Continued

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Special programs		(1,183.8)		(1,172.7)		(1,140.7)		(1,140.7)
Special update programs		(258.4)		(258.4)		(358.4)		(298.9)
Total, other support		(2,808.3)		(2,797.3)		(2,840.3)		(2,641.7)
Total, missiles, Air Force		6,827.9		6,333.3		5,269.8		6,038.7

MISSILE PROCUREMENT

The President's budget contained $6,827.9 million for missile procurement, Air Force.

The Senate bill contained an authorization of $5,269.8 million. The House amendment contained an authorization of $6,333.3 million.

The conferees agreed to an authorization of $6.038.7 million for the procurement of missiles for the Air Force. In addition to authorization for fiscal year 1983 the conferees agreed to authorize the transfer of $154 million authorized and appropriated in fiscal year 1982, but not used, for the procurement of missiles for the Air Force.

Advanced intercontinental ballistic missile (M-X)

The budget request contained $1,446.4 million to procure 9 M-X missiles in fiscal year 1983 and $50.7 million for initial spares. The amount requested for procurement would include the costs of establishing a production base for the M-X missile, missile support equipment, and the procurement of items related to basing and deployment of the M-X missile system.

The Senate bill provided no authorization for M-X missile procurement in fiscal year 1983.

The House amendment would provide $1,141.9 million for the procurement of 9 M-X missiles, including production start-up costs. The House amendment would delete $282.2 million requested for interim M-X basing and $50.7 million requested for spares. The House amendment would have provided a limited authorization for missile support equipment and for basing and deployment work that would be necessary regardless of the basing mode finally selected for the M-X missile. The House amendment would provide $882 million for missile procurement and $259.9 million for procurement related to basing and deployment. The House amendment also would provide that the $259.9 million that would be authorized for basing and deployment cannot be obligated until the President completes his review of alternative M-X missile basing modes and notifies the Congress in writing of the basing mode in which the M-X missile will be deployed and 30 days of session of Congress have expired after the receipt by Congress of such notice.

The conferees agreed that the M-X missile program should be started with initial procurement authorized for fiscal year 1983 in order to permit the initial operational capability of this system in 1986. The conferees recommend the authorization of $988.0 million for the M-X missile procurement in fiscal year 1983. Of this amount, $830.0 million is for the procurement of 5 missiles and the costs of establishing a production base. The remaining $158.0 million is authorized for missile support equipment and for procurement related to basing and deployment of the missile. The conferees approved language restricting the obligation of the $158.0 million recommended for procurement related to basing and deployment until after the President notifies the Congress that a basing mode has been selected and 30 legislative days have expired after the receipt by Congress of such notice.

The conferees fully endorse the Administration's commitment to the maintenance of a balanced, credible strategic Triad consisting of modern and survivable land-, sea- and air-based legs. The conference committee action on M-X procurement and research and development funding is intended to be consistent with that commitment and with the President's expressed intent to provide to the Congress his plan for permanent basing of the M-X by December 1, 1982.

The conferees have not prejudged the outcome of the President's decision. The conference committee expects that, at the time that decision is provided to the Congress, it should be accompanied by a statement outlining not only the near-term permanent basing system selected, but also any ancillary and complementary systems envisioned to support the initial deployment mode. Depending upon the system selected, such additional adjuncts as ballistic missile defense, deceptive basing, deep underground basing, multiple missile arrays, or south-sope basing, may be appropriate. The requested statement should indicate the Administration's plans for developing such options as are deemed desirable, the anticipated costs and the key decision points involved in developing and deploying such systems.

The conference committee strongly endorses the Administration's efforts to reduce the danger of nuclear war through negotiated strategic and theater nuclear arms reductions.

The conferees believe that the development and procurement of the M-X is consistent with and supportive of the aims advocated by the Administration for increased strategic stability at lower levels of nuclear forces.

The Senate recedes with an amendment.

AGM-65D missile (Maverick)

The budget request contained $342.6 million for procurement of 2560 Maverick missiles. The Senate bill authorized $244.9 million for procurement of 1355 missiles. The House amendment authorized $270.6 million for procurement of 1335 missiles.

The conferees agreed to an authorization of $244.9 million for procurement of 1355 missiles.

AGM-88A missile (HARM)

The budget request contained $159.8 million for procurement of 206 HARM missiles. The Senate bill authorized $90.8 million for procurement of an undetermined number of missiles. The House amendment authorized the amount requested.

The conferees agreed to an authorization of $159.8 million for procurement of 206 missiles.

Rapier missile

The budget request contained $98.9 million for procurement of Rapier missiles for defense of U.S. air bases in the United Kingdom. The Senate bill authorized the amount requested. The House amendment authorized $148.9 million and directed the Air Force to explore cooperative arrangements to extend the Rapier role model (U.S. procurement, European manning) to include U.S. airbases in continental Europe.

The conferees agreed to authorize $148.9 million for procurement of Rapier missiles, of which $50.0 million is to be used for procurement of missiles for defense of U.S. airbases in continental Europe.

Modification of missiles, Air Force

The request contained $160 million for the modification of Air Force missiles. The Senate bill provided $233.8 million for this purpose. The House amendment provided $53.7 million for missile modifications. The House amendment would carry forward $5 million appropriated for the Minuteman III program in fiscal year 1982.

The conferees recommend the authorization of $94.2 million for missile modifications. This recommendation does not include the transfer of $5 million of fiscal year 1982 appropriations as proposed by the House amendment.

Specific items are set forth below.

Class IV missile modifications (Titan II). The request contained $62.4 million for all fiscal year 1983 Class IV modifications to Air Force missiles. The Senate bill would authorize an increase of $73.8 million. The $73.8 million additional authorization provided in the Senate bill was for the purpose of modifying Titan II intercontinental ballistic missiles so that these missiles could be retained in an alert status rather than being phased out of the inventory as planned by the Administration.

The House amendment would authorize the $62.4 million requested for Class IV missile modifications and would be in concurrence with the planned retirement of the remaining 52 Titan missiles during the next three years.

The conferees considered the age, design, and effectiveness of the remaining Titan missiles as a strategic deterrent. The conferees also considered the fact that Titan missiles represent a considerable percentage of the destructive power of the United States' strategic deterrent forces. The conferees recommend the authorization of $62.4 million for Class IV missile modifications in fiscal year 1983. The $73.8 million additional authorization contained in the Senate bill is deleted without prejudice. If the President should decide during fiscal year 1983 that conditions require additional Class IV modifications to Titan missiles, the authorizing committees will entertain reprogramming requests for that purpose.

The Senate recedes.

Class V missile modifications (Minuteman III). The request contained $35.5 million for the procurement of lithium batteries as a source of emergency power for Minuteman III missile silos—a Class V missile modification. The Senate bill would authorize the amount requested. The House amendment contained no authorization for this program. The conferees recommend authorization of $35.5 million for the Minuteman III Class V modification program.

The House recedes.

Class IV missile modifications (Minuteman II). Within the $160 million requested for the modification of missiles, $15 million was requested for Minuteman II modifications related to the deployment of additional missiles. The Senate bill included this amount. The House amendment included no authorzation for this purpose. The conferees recommend a reduction of $15 million from the Minuteman Class IV modification request with appropriate offsets to be provided from the relevant operations and maintenance account.

The Senate recedes.

Air Launched Cruise Missile modifications (HAVE RUST). The request contained $50.8 million for the HAVE RUST modification to air launched cruise missiles. The Senate bill would authorize the amount requested. The House amendment provided no authorization for this purpose. Based on a decision by the Air Force not to proceed with procurement of this program in fiscal year 1983, the conferees recommend that no authorization be provided for fiscal year 1983.

The Senate recedes.

Defense Satellite Communications System (DSCS)

The request contained $192.9 million for procurement of Defense Satellite Communications System (DSCS) satellites for fiscal year 1983. The Senate bill would authorze $167.9 million for that purpose. The House amendment would authorize the amount requested. The conferees recommend the authorization of $182.9 million of DSCS satellite procurement without prejudice.

The Senate recedes with an amendment.

Special programs

The request contained $1,183.8 million for Air Force special programs for fiscal year 1983. The Senate bill contained $1,140.7 million for that purpose. The House amendments would authorize $1,172.7 million for special programs. The conferees recommend the authorization of $1,140.7 million for special programs. This action will be reflected in a classified annex to the statement of the managers.

The House recedes.

Special update programs

The request contained $258.4 million for Air Force missile special update programs. The Senate bill would authorize $358.4 million for that purpose. The House amendment would authorize the amount requested. The conferees recommend the authorization of $298.9 million for special update programs. Details of this action will be included in a classified annex to the statement of the managers. The Senate recedes with an amendment.

OTHER PROCUREMENT, AIR FORCE

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Munitions and associated equipment		854.2		803.9		841.4		846.4
CBU 90		(54.4)		(0)		(54.4)		(54.1)
9mm handgun		(3.9)		(0)		(0)		(0)
FMU-112/FMU 139 fuzes		(8.3)		(16.3)		(5.0)		(10.3)
BDU-33 practice bomb		(29.4)		(29.4)		(24.4)		(24.4)
9mm ammunition		(0.6)		(0.6)		(0)		(0)
Vehicular equipment		350.4		350.4		350.4		350.4
Electronics and telecommunication equipment		1427.3		1377.8		1425.8		1355.1
Seek talk		(10.5)		(0)		(10.5)		(0)
PY authorization transfer		(0)		(−12.1)		(0)		(−12.1)
Tri Tac		(12.8)		(9.8)		(12.8)		(12.8)
Air National Guard		(0)		(36.7)		(0)		(0)
Distant early warning		(31.2)		(0)		(31.2)		(0)
Tactical signal intelligence support		(20.5)		(18.5)		(20.5)		(18.5)
Transport ground intercept facility		(27.4)		(0)		(27.4)		(11.0)
Classified programs		(2.9)		(2.9)		(1.4)		(2.9)
Other base maintenance and support equipment		3213.3		3124.6		3104.0		3104.8
Production activity		(3.8)		(2.3)		(3.8)		(2.3)
Photo processing/interpretation systems		(11.1)		(6.5)		(11.1)		(9.9)
Selected activities		(2532.5)		(2449.9)		(2423.2)		(2426.7)
Total, other procurement, Air Force		5845.2		5656.7		5721.6		5656.7

CBU-90 (ACM)

The budget request contained $54.4 million for the procurement of 2,000 CUB-90 bombs. The Senate bill authorized the amount requested. The House amendment deleted all funds for the CBU-90 bomb.

The conferees recommend the authorization of $54.1 million for long-lead components to support the procurement of cluster munitions.

FMU-12/FMU-139 fuzes

The budget request contained $8.3 million for the procurement of 10,000 FMU-12 or FMU-139 fuzes. The Senate bill authorized $5 million for the procurement of FMU-12/FMU-139 fuzes.

The House report notes that the FMU-12 fuze which was developed by the Air Force, recently entered low-rate production after an expensive development period. The report further states that the FMU-139 fuze is being developed by the Navy, and it may be at least two years before the FMU-139 is ready for production. The report notes that the Air Force has indicated a requirement for additional fuzes to meet operational commitments. The House amendment, therefore, authorized $16.3 million for the procurement of 20,000 FMU-12 or FMU-139 fuzes.

The conferees recommend authorization of $10.3 million for the procurement of FMU-12 or FMU-139 fuzes.

BDU-33 practice bomb

The budget request contained $29.4 million for the procurement of 568,480 BDU-33 practice bombs. The House amendment authorized the amount requested. The Senate bill authorized $24.4 million for the procurement of 568,480 DU-33 practice bombs.

The House recedes.

9 millimeter handgun ammunition

The budget request contained $0.6 million for 9 millimeter handgun ammunition. The House amendment authorized the amount requested. The Senate bill contained no funds for 9 millimeter handgun ammunition.

The House recedes.

SEEK TALK

The budget request contained $10.5 million for the procurement of SEEK TALK equipment. The Senate bill authorized the amount requested. The House amendment authorized the transfer forward from prior years SEEK TALK authorizations of $12.1 million as an offset to the Other Procurement Electronics and Telecommunications request for fiscal year 1983.

The conferees recommend an offset of $12.1 million to the electronics and telecommunications equipment, fiscal year 1983 authorization request.

TRI-TAC (AN/UXC-4) digital facsimile

The budget request contained $12.8 million for the procurement of TRI-TAC equipment. The Senate bill authorized the amount requested. The House amendment authorized $9.8 million for TRI-TAC equipment.

The House recedes.

Air National Guard

The House amendment authorized $36.7 million, specifically for electronics and telecommunications equipment for the Air National Guard. The budget request did not specifically contain funds for electronic and telecommunications equipment for the Air National Guard, and the Senate bill did not authorize specific amounts for electronic and telecommunications equipment for the Air National Guard. The Senate bill, however, did contain $30 million for the procurement of a variety of Air National Guard equipment.

The House recedes.

Distant early warning (DEW) radar

The request contained $31.2 million to begin the procurement of radars to replace existing equipment used on the distant Early Warning (DEW) line. The Senate bill would authorize the amount requested. The House amendment would provide no authorization for this purpose. The conferees recommend that no authorization be provided for Distant Early Warning radar procurement in fiscal year 1983.

The Senate recedes.

Tactical signal intelligence support

The request contained $20.5 million for Tactical Signal Intelligence Support procurement. The Senate bill would authorize the amount requested. The House amendment would authorize $18.5 million for that purpose. The conferees recommend the authorization of $18.5 million for Tactical Signal Intelligence Support.

The Senate recedes.

transport ground intercept facility

The request contained $27.4 million for procurement related to a Transport Ground Intercept Facility. The Senate bill would authorize the amount requested. The House amendment contained no authorization for this purpose. The conferees recommend the authorization of $11 million for Transport Ground Intercept Facility procurement.

The House recedes with an amendment.

Electronic and telecommunications equipment, classified programs

The Air Force Electronic and Telecommunications Equipment request contained $2.9 million for classified programs. The Senate bill would authorize $1.4 million for that purpose. The House amendment would authorize $2.9 million for classified programs. The conferees recommend the authorization of $2.9 million.

The Senate recedes.

Intelligence production activity

The Air Force authorization request for other base maintenance and support equipment included $3.8 million for an intelligence production activity. The Senate bill would authorize the amount requested. The House amendment would authorize $2.3 million for this purpose. The conferees recommend an authorization of $2.3 million.

The Senate recedes.

Photo processing and interpretation system

The request contained $11.1 million for a photo processing and interpretation system. The Senate bill would authorize the amount requested. The House amendment would authorize $6.5 million. The conferees recommend an authorization in the amount of $9.9 million.

The House recedes with an amendment.

Base maintenance and support equipment, selected activities

Within the amount requested for Air Force Base Maintenance and Support Equipment, $2,532.5 million was requested for selected activities. The Senate bill contained $2,423.2 million for that purpose. The House amendment contained $2,449.9 million for selected activities. The conferees recommend the authorization of $2,426.7 million for selected activities in fiscal year 1983.

The House recedes with an amendment.

PROCUREMENT, DEFENSE AGENCIES

[Amounts in millions of dollars]

Item	February fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Procurement, defense agencies		890.3		863.4		859.6		859.6
Classified programs		(671.8)		(644.9)		(641.1)		(641.1)
Total, procurement, Defense Agencies		890.3		863.4		859.6		859.6

Procurement, defense agencies

The Department of Defense request contained $890.3 million for Defense Agencies procurement. The Senate bill would authorize $859.6 million for that purpose. The House amendment would authorize $863.4 million. The conferees recommend an authorization in the amount of $859.6 million for Defense Agencies procurement.

The House recedes.

GUARD AND RESERVES

[Amounts in millions of dollars]

Item	February—Fiscal year 1983 request		H.R. 6030		S. 2248		Conference	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Army Reserve equipment		0		0		30.0		30.0
Army National Guard equipment		0		0		50.0		50.0
Naval Reserve equipment		0		0		30.0		30.0
Marine Corps Reserve equipment		0		0		30.0		30.0
Air Force Reserve equipment		0		0		30.0		30.0
Air National Guard equipment		0		0		30.0		30.0
Total, Guard and Reserves		0		0		200.0		200.0

National Guard and Reserve equipment

The Senate bill contained a provision for authorization of $200 million for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, other weapons and other procurement for the reserve components as follows:

For the Army National Guard, $50,000,000.

For the Air National Guard, $30,000,000.

For the Army Reserve, $30,000,000.

For the Naval Reserve, $30,000,000.

For the Marine Corps Reserve, $30,000,000.

For the Air Force Reserve, $30,000,000.

The House amendment contained no authorization for this purpose.

In addition to funds authorized for the National Guard and Reserve elsewhere in this bill, these funds are authorized for items of equipment contained in the tables of authorized equipment of Guard and Reserve units. The chief of each reserve component will determine the priority for spending these funds and shall report to the Committees on Armed Services of the House and Senate by January 31, 1983 on the items of equipment procured with these funds.

The House recedes.

Authority of the Secretary of Defense in connection with the NATO AWACS program (sec. 106)

The Senate bill contained a provision (sec. 103) that would permanently extend the authority of the Secretary of Defense to waive certain reimbursement and surcharges and to assume certain contingent liabilities under the NATO AWACS Programme Memorandum of Understanding. This authority was provided by the fiscal year 1982 Department of Defense Authorization Act (Section 103(a)).

The House amendment contained a provision (sec. 105) that would provide authority identical to that provided by the Senate bill for fiscal year 1983 only.

The Senate recedes.

Restriction on multiyear procurement (sec. 107)

The Senate bill contained a provision (Sec. 102) that would require the Secretary of the military department concerned to submit written reports to the Armed Services Committees of the House and Senate and the House of Representatives justifying multiyear contracts for: F-111 weapon navigation computers; C-2 aircraft; EA-6B aircraft; A-6E aircraft; MULE laser designators; CH-53E helicopters; MLRS rocket systems, and ALQ-136 radio jammers. Under this provision, thirty days must elapse after receipt of such justification reports before the military department concerned may

enter into a multiyear contract for procurement of the equipment listed in Sec. 102.

The House amendment contained no similar amendment.

The House recedes.

Enhancement of North American Air Defense Command low-level radar capabilities in Florida (sec. 108)

The House amendment contained a provision (sec. 109) that would authorize the Air Force to procure one tethered aerostat radar set for deployment at Kennedy Air Force Station, Florida, and to make necessary improvements to this radar set and to the set currently in use at Cudjoe Key, Florida.

The Senate bill contained no similar provision.

The Senate recedes.

Secure communications equipment (sec. 109)

The House amendment contained a provision (sec. 110) that would allow the Department of Defense to act as the Executive Agent for a National Secure Telephone program. This provision authorized the Department of Defense to use up to $50 million for procurement of secure telephones for government-wide use.

The Senate bill contained no similar provision.

The U.S. has established as a national priority a requirement to protect sensitive information passed over government telecommunications systems. The Secretary of Defense has been designated the Executive Agent to carry out the communications security activities of the United States Government and is responsible for developing and providing secure communications equipment.

In order to adequately protect U.S. government telephone communications, a government-wide secure telephone service has been established. A secure telephone device, developed by the Department of Defense, would be the primary protected communications component of this service. This device would provide service through standard telephone networks. A priority effort is being pursued to implement this program, and initial production requirements of approximately 5,000 secure telephone devices and related equipments have been identified. In order to carry out this effort in an efficient and cost effective manner, the Defense Department will fund, without reimbursement from other government agencies, the initial procurement of these and related equipments.

The purpose of section 109 is to provide an authorization of $50 million to the Department of Defense to enable the department to procure secure telephones for government-wide use. This provision provides an exception to Section 628 of Title 31, U.S.C., Economy Act, thereby allowing the Defense Department to provide secure telephone service to other government agencies without reimbursement. This provision does not add to the bill total but simply provides authorization for the Defense Department to execute the program within the total authorization provided in Title I. The Department is required to notify the Armed Services Committees of the Senate and the House of Representatives as to the source of funds that will be used for this purpose in accordance with normal reprogramming procedures. Further, the provision in no way restricts the Defense Department from using funds that might otherwise be included in Title I for secure telephone programs to execute these programs. It is only intended to provide the authorization required to allow the Defense Department to carry out its responsibilities as the Executive Agent for the National Secure Telephone program.

The Senate recedes.

The special classified program will be the subject of separate classified correspondence between the Armed Services Committees and the Secretary of Defense.

Prohibition of acquisition of 9 millimeter handgun (sec. 110)

The House amendment contained a provision (sec. 108) that would provide that none of the funds appropriated pursuant to an authorization of appropriations in the bill could be obligated or expended in connection with the purchase of a 9 millimeter handgun for the armed forces or to carry out any activity concerned with evaluating the feasibility or desirability of purchasing a 9 millimeter handgun for the armed forces.

The Senate bill contained no similar provision.

The conferees agreed that the provision would not preclude the Department of the Army from functioning as the executive agent for the procurement of 9mm handguns for the Department of Transportation law enforcement function.

The Senate recedes.

Prohibition against procurement of additional A-10 aircraft

The Senate bill contained a provision (sec. 104) prohibiting procurement of A-10 aircraft for the Air Force beyond the funding levels authorized in the fiscal year 1982 Department of Defense Authorization Act.

The House amendment contained no similar provision.

The Senate recedes.

Prohibition against procurement of additional AH-64 helicopters

The Senate bill contained a provision (sec. 105) prohibiting funding for additional AH-64 attack helicopters beyond levels authorized in the Senate bill unless specifically authorized by further legislation.

The House amendments contained no similar provision.

The Senate recedes.

TACAMO aircraft

The Senate bill contained a provision (sec. 106) that would prohibit the obligation or expenditure of funds authorized for procurement of two communications suites for TACAMO EC-130Q aircraft until a report is submitted to the Armed Services Committees of the Senate and House of Representatives concerning the feasibility of procuring more modern communications gear consistent with the planned purchase of replacement aircraft. Three million dollars was provided in Title II of the Senate bill to perform this study. The House amendment had no comparable provisions.

The conferees agreed that it would be desirable to have such a report submitted but decided against restricting the use of funds authorized in connection with the TACAMO procurement. It is expected that a report on TACAMO communications system alternatives and related procurement strategies will be available at the time of Congressional consideration of the fiscal year 1984 budget request.

The Senate recedes.

CBU/90 antiarmor cluster munition

The Senate bill contained a provision (sec. 107) that would require the Secretary of the Air Force to provide written certification to the Armed Services Committees that CBU/90 procurement is essential to the Air Force inventory before funds authorized for fiscal year 1983 could be obligated or expended. The House bill contains no similar provision.

The Senate recedes.

Prohibition of construction of naval vessels in foreign shipyards

The House amendment contained a provision (sec. 106) that would prohibit the use of funds authorized to be appropriated for the procurement of naval vessels to be used for construction or conversion of naval vessels in foreign shipyards.

The Senate bill contained no similar provision.

The House recedes.

Construction or conversion of new hospital ship in United States shipyards

The House amendment contained a provision (sec. 107) that would provide that the hospital ship (T-AHX) for which funds are authorized to be appropriated in title I should be constructed or converted in a United States shipyard. It further would provide that if the ship is converted from an existing ship, it should be converted from a ship originally built in a United States shipyard.

The Senate bill contained no similar provision.

The conferees noted that these restrictions have been incorporated in the Navy program and that the provision is not necessary.

The House recedes.

Prohibition on procurement of binary chemical munitions and related production facilities

The House amendment contained a provision (sec. 111) that would prohibit the obligation and expenditure of funds for procurement of binary chemical munitions. The Senate bill contained no similar provision.

The House recedes. See the discussion in section 1124 of the Statement of Managers for a detailed explanation of the conference action on chemical munitions.

Sense of Congress on chemical warfare negotiations

The House amendment contained a provision (sec. 112) that would express the sense of Congress that the President should seek to actively promote negotiations aimed at banning the production and stockpiling of chemical weapons. The Senate bill contained a similar provision (sec. 1141).

The conferees agreed to drop section 112 of the House amendment and accept the Senate provision. An explanation of the conference action is included in the discussion of section 1124 of the Statement of Managers.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

GENERAL

The Administration requested a total authorization of $24,260,400,000 for the fiscal year 1983 Research, Development, Test and Evaluation (RDT&E) appropriations. The conferees agreed on a total authorization of $23,047,869,000 for the RDT&E program, a reduction of $1,212,531,000 from the Administration's request. The following tables summarize the conference actions.

RDT&E SUMMARY

[In thousands of dollars]

	Request	Senate	House	Conference
Army	4,484,000	4,161,741	3,651,741	3,926,367
Navy [1]	6,235,316	6,131,698	6,026,208	6,129,115
Air Force	11,220,400	10,760,643	10,409,196	10,720,884
Defense Agencies	2,320,684	2,276,384	2,219,730	2,271,503
Total, RDT&E	24,260,400	23,330,466	22,306,875	23,047,869

[1] Includes $3,016,000 in special foreign currency.

CONFERENCE SUMMARY

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

[Dollar amounts in thousands]

Item No.	Description	Request	Senate—S.2248, as passed May 14, 1982	House—H.R. 6030 (S. 2248) as passed July 29, 1982	Change from Senate	Conference action
	ARMY					
1	Aero technology	24,349	22,349	20,349	−2,000	22,349
2	RPV support technology	1,588	−12	0	+12	0
3	Aircraft avionics technology	8,389	8,389	6,389	−2,000	7,389
4	High energy laser technology	31,327	31,327	35,000	+36,743	45,000
5	Joint services small arms	3,706	3,706	6,506	+2,800	4,700
6	Methanol fueled vehicles	0	1,100	0	−1,100	1,100
7	Aircraft weapons	5,581	5,581	424	−5,157	424
8	Light helicopter advanced technology demonstration	944	944	0	−944	0
9	Terminally guided projectile	6,814	6,814	0	−6,814	6,814
10	High technology test bed	10,711	10,711	0	−10,711	7,300
11	Combat engineering system	2,730	2,730	1,730	−1,000	1,730
12	Advanced development of automatic test systems	11,335	11,335	0	−11,335	7,000
13	Anti-radiation projectile	0	0	5,000	+5,000	0
14	Battlefield data systems	27,868	0	27,868	+27,868	26,000
15	Battlefield data systems	1,891	0	1,891	1,891	2,000
16	High-to-medium air defense development (antitactical missile)	27,172	19,572	0	−19,572	19,572
17	Advanced rocket control system	27,869	12,269	0	−12,269	0
18	UH–60 Blackhawk	6,708	6,708	5,664	−44	5,664
19	Surface-to-air Hawk improvement program	37,971	37,971	52,971	+15,000	42,000
20	Communications system engineering program	1,485	1,485	0	−1,485	0
21	European C³ system	527	527	0	−527	527
22	Special electronic mission aircraft	498	498	0	−498	0
23	Surface-to-surface missile rocket system (MLRS terminally guided warhead)	16,407	16,407	2,000	−14,407	6,400
24	Lightweight air defense system	3,466	3,466	0	−3,466	0
25	Field artillery ammo development	23,951	23,951	39,994	+16,043	26,000
26	Aircraft propulsion system	1,007	1,007	0	−1,007	0
27	Army helicopter improvement program	75,811	75,811	0	−75,811	75,811
28	Joint services rotary wing aircraft development	49,765	49,765	0	−49,765	30,000
29	Aircraft component improvement program	10,996	10,996	5,000	−5,996	8,000
30	Heliborne missile—Hellfire	19,327	19,327	3,000	−16,327	16,300
31	Education and training	995	995	0	−995	500
32	Fighting vehicle system	50,488	50,488	40,000	−10,488	46,000
33	Tactical electronic surveillance system	0	0	−4,000	−4,000	−4,000
34	Tactical electronic surveillance system	0	0	−4,600	−4,600	−1,700
35	TRADOC studies and analyses	3,287	1,487	1,500	+13	1,487
36	Program wide activities	70,101	65,001	65,000	−1	65,000
37	MAINSITE	17,119	7,119	0	−7,119	3,000
38	Defense Systems Management College	202	202	0	−202	0
39	Defense research sciences	199,921	199,921	182,000	−17,921	184,000
40	Medical defense against chemcial agents	26,865	26,865	27,865	+1,000	27,865
41	Tactical ADP technology	7,076	7,076	0	−7,076	7,076
42	High energy laser components	33,116	33,116	0	−33,116	0
43	Nontactical ADP technology	495	495	0	−495	0
44	BMD systems technology	727,311	527,311	259,744	−267,567	377,311
45	Command and control	13,650	10,650	10,600	−50	10,600
46	Command and control	22,133	22,133	10,268	−11,865	20,000
47	Mobile protected gun	37,354	10,354	37,354	+27,000	12,354
48	Aircraft avionics	3,799	3,799	1,229	−2,570	3,799
	Programs not in dispute	2,829,895	2,810,995	2,810,995		2,810,995
	Total, Army R.D.T. & E.	4,484,000	4,161,741	3,651,741	−510,000	3,926,367
	NAVY					
1	Advanced air-launched air-to-surface missile	4,011	11	0	−11	0
2	Aircraft systems (advanced)	3,430	3,430	0	−3,430	3,000
3	Training devices technology	7,399	7,399	5,000	−2,399	6,200
4	AV–8B aircraft	114,071	136,071	114,071	−22,000	136,071
5	AV–8BT	0	15,000	0	−15,000	7,500
6	Tilt Fan	36,284	−16	0	+16	0
7	Tomahawk II	19,900	4,900	39,999	+35,000	26,500
8	Avionics development/VAST	8,960	4,060	1,581	−2,529	4,000
9	Helicopter development	26,500	16,400	10,282	−6,198	15,300
10	HXM	9,522	5,022	0	−5,022	5,000
11	Air-to-air missile systems engineering	23,844	22,844	13,844	−9,000	22,844
12	Cruise missile	18,010	18,010	0	−18,010	0
13	VTXTS	9,654	9,654	0	−9,654	9,654
14	IIR Maverick	4,992	4,992	0	−4,992	3,500
15	AMRAAM	4,714	4,714	3,000	−1,714	4,714
16	Materials technology	33,019	41,019	33,019	−8,000	37,000
17	Defense research sciences	290,061	288,961	289,000	+49	289,000
18	Navy strategic communications	69,314	72,314	27,756	−44,558	65,000
19	SSBN subsystems technology	4,869	−2	0	+2	0
20	Trident I (MK-500)	90,565	64,065	90,565	+25,508	74,000
*21	Tactical electro-support	4,095	4,095	0	−4,095	0
22	Ships, submarine and boats technology	44,156	34,956	25,000	−9,965	30,000
23	Man-machine technology	1,365	531	0	−531	0
24	Medical development (advanced)	8,858	8,384	8,858	+474	8,384
25	Navy technical information presentation system	1,452	1,258	1,452	+200	1,253
26	Ship propulsion system (advanced)	20,457	20,457	28,487	+8,000	25,000
27	Naval special warfare	6,037	6,037	11,037	+5,000	8,287
28	Marine Corps assualt vehicles	15,810	1,000	15,810	+14,810	2,000

29	Air ASW	13,994	17,994	13,994	−4,000	17,994
30	New ship design	4,911	4,411	4,911	+500	4,411
31	Ship concept formulation	18,810	15,810	18,810	+3,000	15,810
32	Ship systems engineering standards (SSES)	1,749	14,749	18,000	+3,251	15,000
*33	Surface ASW	4,408	8	0	−8	0
34	Combat systems architecture	2,786	−14	0	+14	0
*35	S–3 weapons system improvement program	78,344	68,044	68,000	−44	63,000
36	SH–68 CV variant	9,888	−32	0	+32	0
37	Pentagon combat systems development	1,623	23	0	−23	0
38	Estimated modular signal processes	14,497	13,087	0	−13,097	13,097
39	Combat information center conversion	27,014	18,414	18,454	+40	18,414
40	Electro-optics senser devices	10,422	5,022	0	−5,022	0
41	Air warfare training development	20,090	18,089	0	−18,089	17,000
42	Combat systems integration	17,133	17,133	0	−17,133	8,000
43	LINE HAZEL	42,760	42,760	0	−42,760	1,000
44	ASW surveillance	1,284	1,284	0	−1,284	1,000
45	Advanced signal processor	3,525	3,525	0	−3,525	1,000
46	MK–92 fire control systems	9,628	9,628	24,628	+15,000	24,628
47	Vertical launch systems	33,878	33,378	61,498	+27,615	38,000
48	Submarine engineering	1,950	1,950	0	−1,950	1,000
49	AN/SQS–52C sonar	35,960	35,960	45,980	+10,000	45,980
50	Joint A/N SAL GP (eng.)	986	986	117,986	+117,000	61,000
51	Submarine warfare training devices	3,226	3,226	0	−3,226	0
52	Amphibious assault craft	10,437	10,437	14,437	+4,000	13,437
53	Studies and anaylses support, Navy	7,880	5,980	5,000	−980	5,000
54	Target systems development	43,901	43,901	20,000	−23,901	43,901
55	Firebrand	0	0	23,000	+23,000	0
56	R.D.T. & E. instrumentation and material support	31,707	31,707	41,707	+10,000	37,000
57	Studies and analyses support, Marine Corps	2,148	2,148	1,000	−1,148	2,000
58	Long-range planning support	1,281	1,281	0	−1,281	1,000
59	Civilian education program	1,157	1,157	0	−1,157	0
60	General reduction	0	0	−117,000	−117,000	−40,000
61	Special activities	120,380	120,380	134,033	+13,653	134,038
62	Anti-radiation seeker technology	0	0	0	0	4,000
	Programs not in dispute	4,776,198	4,798,198	4,798,198	0	4,798,198
	Total Navy R.D.T.&E.	6,235,316	6,131,698	6,026,206	−105,490	6,129,115

AIR FORCE

1	Aerospace propulsion	58,645	58,645	53,000	−5,645	53,000
2	Advanced airborne radar	3,475	3,475	0	−3,475	0
3	Crews systems technology	4,055	4,055	0	−4,055	4,055
4	Cartographic application	890	890	0	−890	0
5	Advanced missile propulsion	894	894	0	−894	0
6	Hypervelocity missile	992	992	10,992	+10,000	3,500
7	Electro-optical warfare	15,927	15,927	12,000	−3,927	14,000
8	Night precision attack	103,758	88,758	110,758	+22,000	100,000
9	Advanced communications system (SEEK TALK)	78,210	70,210	889	−69,321	10,888
10	F–15 squadrons	125,318	113,018	99,018	−14,000	113,018
11	F–16 squadrons	86,142	76,142	42,000	−34,142	76,142
12	Medium range air to surface missile	42,682	−18	42,682	+42,700	42,682
13	Advanced tactical fighter technologies	27,338	27,338	0	−27,338	23,000
14	Electric warfare technology	18,724	18,724	12,000	−6,724	15,350
15	Early warning counter response	27,335	27,335	2,735	−24,600	22,000
16	Conventional standoff weapon	38,858	38,858	0	−38,858	32,500
17	Wide area antiarmor munition	8,503	8,503	28,503	+20,000	18,503
18	Low-level laser-guided bomb	3,016	3,016	1,000	−2,016	3,016
19	Combat identification system	20,552	20,552	16,000	−4,552	19,000
20	Protective systems	110,234	110,234	95,534	−14,700	110,234
21	Intelligence equipment	18,469	18,469	12,869	−5,600	16,469
22	A–10 squadrons	6,488	6,488	5,000	−1,488	5,000
*23	Tactical airborne command and control system	78,852	78,852	63,000	−15,852	71,000
24	Traffic control and landing system	5,060	5,060	4,360	−700	4,360
25	Concept development	984	984	0	−984	0
26	Acquisition and command support	269,229	269,229	265,000	−4,229	267,000
27	Advance systems engineering/planning	5,443	5,443	2,000	−3,443	3,500
28	Defense research sciences	165,858	165,858	160,000	−5,858	160,000
*29	Personnel utilization technology	7,194	7,194	5,600	−1,594	6,500
30	Space system environmental interactions technology	1,583	1,583	0	−1,583	1,000
31	VHSIC	66,004	66,004	80,004	+14,000	66,004
32	Space laser program	40,561	40,561	0	−40,561	0
33	Advanced computer technology	4,957	4,957	3,457	−1,500	3,457
34	MX	2,759,332	2,277,332	2,609,332	+332,000	2,509,332
35	Military strategic tactical relay system	79,784	129,784	79,784	−50,000	117,784
36	Advanced strategic missile system	49,737	49,737	70,000	+20,263	60,000
37	Space surveillance technology	40,285	40,285	20,285	−20,000	20,285
38	Tanker, transport, bomber training systems	560	560	0	−560	0
39	B–52 squads	121,767	121,767	60,000	−61,767	90,000
40	DEW radar stations	7,995	7,995	0	−7,995	0
41	Aircraft avionics equipment development	21,237	21,237	17,137	−4,100	17,137
42	Computer resources management technology	4,993	4,993	4,697	−296	4,697
43	Chemical/biological defense equipment	16,339	16,339	26,339	+10,000	20,000
44	Advanced military spaceflight capability	2,670	2,670	0	−2,670	0
45	Project Air Force	16,231	16,231	10,000	−6,231	16,231
46	Operational support airlift	2,557	0	2,557	+2,557	2,557
47	Postattack reconnaissance	9,919	9,919	1,000	−8,919	0
48	SR–71 squads	0	0	−3,200	−3,200	−3,200
49	Special activities	1,128,400	1,191,200	870,500	−320,700	1,131,200
50	Consolodated cruise missile program					−42,682
	Programs not in dispute	5,512,364	5,512,364	5,512,364		5,512,364
	Total, Air Force R.D.T. & E.	11,220,400	10,760,643	10,409,196	−351,447	10,720,884

DEFENSE AGENCIES

1	Defense research sciences	112,100	112,100	101,000	−11,100	101,000
2	Technology studies	3,300	3,300	0	−3,300	1,000
3	High energy laser technology	44,700	44,700	0	−44,700	44,700
4	Short wavelength laser technology	0	0	50,000	+50,000	20,000
5	Particle beam technology	31,000	31,000	33,000	+2,000	33,000
6	ALPHA	21,800	21,800	0	−21,800	21,800
7	LODE	14,200	14,200	0	−14,200	14,200
8	Defense Nuclear Agency	326,600	315,000	326,600	+11,100	315,500
9	CINC C² initiatives	700	700	0	−700	700
10	Long haul communications (DCS)	18,935	18,935	16,181	−2,754	18,935
11	Defense technical information	17,560	17,560	16,000	−1,560	16,000
12	Information Analysis Centers	5,140	5,140	4,000	−1,140	4,000
13	Technical support to USDR&E	16,649	16,649	12,000	−4,649	12,000
14	General support PA&E	3,712	3,712	2,000	−1,712	2,000
15	General support policy/ISA	4,419	4,419	2,000	−2,419	4,419

16	General support net assessment	4,006	4,006	2,000	−2,006	3,500
17	General support MRA&L	3,014	3,014	2,000	−1,014	2,000
18	Technology transfer control	0	0	2,000	+2,000	2,000
19	OSD/JCS studies/analysis	0	−7,000		+7,000	
20	Director, test and evaluation	60,000	54,000	57,000	+3,000	55,000
21	Crypto activities		−19,900	−6,200	+13,700	−13,400
22	GDIP		−300		+300	
23	Defense reconnaissance support program			−32,700	−32,700	−19,700
	Programs not in dispute	1,632,849	1,632,849	1,632,849		1,632,849
	Total Defense Agencies R.D.T. & E	2,320,684	2,276,384	2,219,730	−56,654	2,271,503

* Were reduced without prejudice.

ADVANCED COMMUNICATIONS SYSTEMS

The Administration requested $78.21 million for the Air Force Advanced Communications Systems program of which $77.321 million was for the SEEK TALK secure, jam-resistant UHF voice communication system program.

The Senate bill reduced the SEEK TALK request by $8 million, and the report expressed concern about the lack of a joint service secure, anti-jam airborne communications architecture within the Department of Defense. The Senate report directed the Secretary of Defense to perform an analysis of the projected jamming threat for the mid to late 1980s to determine the future requirements of each of the services for anti-jam voice communications and to propose a system architecture that would provide U.S. forces with the necessary capability. The Senate report further requested the Defense Department to evaluate modifications to the HAVE QUICK system and the potential of modifying the Joint Tactical Information Distribution System (JTIDS) to expand its voice capability before committing to a $3.6 billion Air Force only SEEK TALK system. The Senate report requested that this architecture study be completed and submitted to the Armed Services Committees of the Senate and House of Representatives by December 1, 1982.

The House amendment deleted the entire SEEK TALK request of $77.321 million and proposed that the program be terminated. The House concerns about the SEEK TALK program were similar to those expressed by the Senate. The House viewed SEEK TALK as an expensive, "Air-Force only" program that lacked commitment from the other services and NATO. The House recommended that the SEEK TALK program be terminated, that the HAVE QUICK system be used as the near term U.S. voice communications standard and that JTIDS be developed as the next generation standard for secure, interoperable, jam-resistant communications.

Subsequent to the House and Senate Armed Services Committees reporting their bills to their respective Houses, the Air Force redirected the SEEK TALK program. Several alternative approaches to meeting the Air Force secure, anti-jam airborne communications requirements are currently under consideration including a modified version of the original SEEK TALK approach. The Air Force informed the conferees that a major Air Force jam resistant tactical communications architecture review would be completed in the December 1982/January 1983 time frame.

The conferees believe that the original SEEK TALK program, as described in the President's fiscal year 1983 budget submission, should be terminated and, accordingly, deny the $77.321 million requested for the SEEK TALK program. The conferees, however, do not desire to pre-judge the results of the Air Force architectural study. The conferees understand that $15 million in fiscal year 1982 SEEK TALK funds will not be obligated for SEEK TALK because of the restructuring of the program. The conferees agreed that these funds could be carried forward into fiscal year 1983 and could be used to support the Air Force architectural study effort. In addition, the conferees agreed that a fiscal year 1983 authorization of $10 million should also be provided to support this effort. The conferees direct, however, that this study be expanded to include the analysis, requested by the Senate on page 99 of Senate Report No. 97-330. The conferees agreed that the December 1, 1982, deadline for Congressional receipt of this study should be extended to February 15, 1983. The conferees further agreed that should additional fiscal year 1983 funding be required for the Advanced Communications Systems program, the Air Force may submit a reprogramming request after the anti-jam architectural study has been completed.

The Senate recedes with an amendment.

ADVANCED MINE

The Administration requested $5.555 million for the Navy Advanced Mine system program.

The Senate bill provided the full request. The House amendment supported the Administration's request, however, added a provision requiring that the authorization was only for the Intermediate Water Depth Mine program.

The conferees, in recognition of the deficiencies of the Navy's Captor mine, agreed that an entirely new advanced mine-not a derivative of the Captor mine is required in view of the enemy threat.

The conferees agreed to an authorization of $5.555 million intending that a full competition be conducted for the development of an advanced mine.

Section 202 would require that the authorization be used only for this purpose.

ADVANCED SIGNAL PROCESSOR

The Administration requested authorization of $3.252 million to continue the development of the Navy Advanced Signal Processor (ASP) program.

The Senate bill provided the full authorization; the House amendment deleted the entire request.

The conferees agreed to authorize $1 million for the ASP program, with the understanding that these funds will be used to complete this program during fiscal year 1983.

The House recedes with an amendment.

AIR ASW (ARAPAHO)

The Administration requested $13.994 million for the Navy Air-Anti-Submarine Warfare (Air ASW) program which includes the ARAPAHO project to examine containerized helicopter ASW support for merchant ships.

The Senate bill recommended an additional $4 million of authorization to continue the development of the ARAPAHO project. The House amendment provided authorization as requested.

The conferees agreed to authorize $17.994 million for the Air ASW program; however, the conferees also agreed that the examination of containerized ASW support for merchant ships should be expanded to include a study of the potential applications of containerized concepts for other forms of naval warfare and weapons. Initial emphasis should be placed on those methods employed by the United Kingdom during the Falkland Islands conflict.

The conferees agreed that an initial report should be presented to the Committees on Armed Services of the Senate and the House of Representatives no later than March 15, 1983.

The House recedes.

ANTI-RADIATION PROJECTILE (ARP)

The Administration requested no funds for the joint Army/Navy Anti-Radiation Projectile program.

The Senate bill provided no authorization for this program; the House amendment provided $5 million in additional authorization to the Army program for this purpose.

The conferees agreed that the Anti-Radiation Projectile technology that has been developed in a Navy laboratory offers great promise for a low-cost effective guidance system.

The conferees agreed to an authorization of $4 million in the Navy Research, Development, Test and Evaluation account.

The Senate recedes with an amendment.

BALLISTIC MISSILE DEFENSE (BMD)

The Administration requested $727.3 million for research and development on ballistic missile defense systems technology. The House amendment reduced the request to $259.7 million. This reduction was made in view of tight budgetary constraints and out of concern about the prudence of accelerating development of the Low Altitude Defense System (LoADS) for defense of the MX missile when such uncertainty about the basing mode of the MX persisted. The House also expressed reservations about the degree of cooperation and coordination between the Army and the Air Force in planning and developing basing modes and defensive systems to protect them.

The Senate, prompted by similar concerns, reduced the requested funding by a lesser amount to $527.3 million. Of this amount, not more than $100 million was to be available for a low exoatmospheric/high endoatmospheric system intended to complement LoADS if such a capability was determined to be of utility in defending the MX basing mode selected by the President by December 1, 1982.

The conferees agreed that ballistic missile defense could have an important role to play in providing a measure of increased survivability for the MX missile force. They also agreed, however, that until a resolution of the MX basing issue has been achieved, it would be ill-advised to embark upon an aggressive LoADs development program.

Consequently, the conferees agreed to drop the restrictive BMD language included by both the House (sec. 202) and Senate (sec. 204) in their respective bills and provid-

ed a total of $377.1 million for BMD systems technology with the understanding that this amount is to be expended in such a way as to achieve an optimal defensive capability for whichever MX basing mode is selected. To this end, the conferees request that, at the time the President's decision on such basing is submitted to the Congress, a report be provided detailing the role envisioned for BMD in the selected basing system, the technologies to be utilized, and the plan for developing and deploying the appropriate systems and their phasing with MX deployment.

The conferees expect the Army and the Air Force to participate fully and cooperatively in the analysis supporting the preparation of the requested report. The goal is a program that realizes the maximum possible synergistic effect from an MX/BMD deployment while eliminating redundant efforts and minimizing independent activities by one service which are at cross-purpose with the work being undertaken by the other service.

B-52 squardrons

The budget request contained $121.767 million for B-52 Squadrons. The Senate bill provided full authorization; the House amendment provided $60.0 million. The conferees recommended authorization of $90.0 million with the desire that priority be given to the B-52 radar and autopilot upgrade. The conferees also desire that testing for Electro Magnetic Pulse (EMP) hardness of the B-52 be cancelled.

C-17 CARGO TRANSPORT AIRCRAFT

The Administration did not request authorization for fiscal year 1983 for research and development of the Air Force C-17 cargo transport aircraft.

The Senate bill did not provide authorization for the C-17 program; the House amendment provided an authorization for research, development, test and evaluation of the C-17 aircraft.

The conferees approve $1 million in R&D for the C-17 type technology effort. There is a long-term requirement for replacement of the C-141 fleet and the Department of Defense desires to continue work on new technology related to future airlifters. The conferees expect an orderly and steady C-17 type aircraft technology program. With the funding from previous years already obligated, and with the $1 million in fiscal year 1983, this should contribute to development work which will point toward a full-scale development decision of a C-17 type technology airlifter in the latter half of this decade. This technology development would benefit any future airlifter. The conferees would be willing to consider reprogramming requests to achieve that purpose.

Section 201 would require that the authorization of $1 million be used only for the C-17 type aircraft.

The Senate recedes with an amendment.

CONVENTIONAL STANDOFF WEAPON

The Administration requested $38.858 million for the Air Force Conventional Standoff Weapon system.

The Senate bill provided the full authorization requested; the House amendment denied all funds for this program.

The conferees were advised that the Office of the Under Secretary of Defense for Research and Engineering has restructured the conventional standoff weapon program into a joint Army/Air Force project to incorporate the technology of the Army Corps Support Weapon System Development project. The conferees support this restructured program, and accordingly agreed to an authorization of $32.5 million with the understanding that this effort will provide a single common missile that is fully compatible with Air Force tactical aircraft and Army ground launcher systems. The authorization is intended for this purpose and additionally for development and integration of a weapon for the Precision Location Strike System (PLSS) aircraft and for a classified program.

The House recedes with an amendment.

DEFENSE RESEARCH SCIENCES

The Administration requested $768.0 million for basic research performed within the Defense Research Sciences lines of each service and the Defense Advanced Research Projects Agency (DARPA). The following sums were requested: for the Army, $199.9 million; for the Navy, $290.1 million; for the Air Force, $165.9 million; for DARPA, $112.1 million.

These amounts represented significant increases over the preceding fiscal years' allocations, reflecting an increased awareness on the part of the Administration of the important role basic research must play in understanding and exploiting promising technologies and anticipating breakthroughs on the part of potential adversaries. In particular, as both committees noted in their respective reports, new and welcome emphasis was being placed upon encouraging the involvement of the academic community in such research.

Due to budgetary constraints, the conferees felt obliged to reduce the extent of the growth planned for these accounts. Consequently, the following sums were authorized: for the Army, $184 million; for the Navy, $289 million; for the Air Force $160 million; and for DARPA, $101 million. The conference committee intended in no way to discourage the Department of Defense's efforts to work more closely with U.S. academic institutions and urges that, to the maximum degree feasible, the reductions imposed upon these accounts not be made at the expense of such increased cooperation.

Furthermore, the conferees ask that $2 million of these funds authorized for the Army's Defense Research Sciences program be made available for the purpose of assessing the requirements of the Defense Department and the intelligence community for a national research resource base which promotes the study and understanding of foreign languages and nations, in particular, the Soviet Union, and which supports the unique requirements of the Army and other military intelligence users for high quality, informed research on matters of special interest which require such understanding. The conferees request that a report containing the findings of this assessment be forwarded to the Senate and House Armed Services committees, no later than March 1, 1983.

DEPARTMENT OF DEFENSE COMPUTER TECHNOLOGY

The conferees recognize that the proliferation of computers used in weapon systems—referred to as embedded computers—has caused a serious logistics support problem within the Department of Defense. The Army has over 60 different computers in its battlefield weapon and command and control systems. During the past two decades, the Department of Defense has devoted substantial time, effort and money in attempting to standardize computers. Although the Department's efforts should be acknowledged, unsatisfactory progress has been made to date and the Department of Defense's computer technology has not kept pace with the advances made by the commercial sector in semiconductors and computers.

At present, the Department of Defense proposes a two-fold plan to achieve computer standardization. The first element is to standardize on a common computer system language called Ada. The conferees fully support Ada and agree that it would contribute significantly to reducing the Department of Defense annual software (computer program) generation and maintenance costs. The second element of the department's plan is the implementation of Instruction 5000.5X—a directive that defines the computer Instruction Set Architecture (ISA) levels with, unless special exemptions are provided, are to be used by elements of the Department of Defense to achieve increased service-wide inter-service computer hardware and software standardization.

The conferees are concerned that standardization at the ISA level may adversely affect the options available to the department for achieving maximum effectiveness in new weapon systems. The House conferees emphasized that at least one major U.S. semiconductor company has developed a powerful computer consisting of just a few large-scale integrated circuit chips optimized to execute the Ada software language that provides multiprocessing capability offering up to one trillion locations of virtual memory.

Because of those concerns, the conferees agree that the Department of Defense should not promulgate or implement Instruction 5000.5X pending the completion and submission to the Committees on Armed Services of the Senate and House of Representatives of a study that addresses the following issues:

(a) A full assessment of the applicability of commercial computer technology including, but not limited to computer hardware, semiconductors and associated ISA's to Defense Department missions.

(b) The desirability of standardization at ISA level in light of alternative approaches, including those taking advantage of the technology mentioned in paragraph (a).

(c) The degree of software transportability (transferring computer programs from one computer to another) that the various approaches permit and how each approach would affect Department of Defense hardware/software logistics support requirements and the cost of computer system ownership.

(d) An assessment of the relative merits and liabilities involved in the incorporation of each approach into Department of Defense weapon systems.

(e) A justification for all on-going service computer development projects including but not limited to the Army's Military Computer Family all other Army computers, the Navy's AN/AYK-43/44, the AN/UYK-7, the AN/UYK-20 and all Air Force computers including the family of military-standard 1750 ISA computers.

(f) A plan to reduce the proliferation of these computers.

The conferees believe that this report would provide a necessary blueprint for Executive branch management and Congressional oversight of the Department of Defense's efforts to streamline its computer logistics situation while laying the ground work for an approach that provides vigorous competition and, to the maximum degree

possible, preserves the option for technology insertion.

Pending the submission of the required report, the conferees agreed on the following:

(1) The Department of Defense should accelerate implementation of the Ada high order language and constrain to the maximum extent feasible service variations on Ada to ensure the utmost commonality of systems support software.

(2) An authorization of $9.865 million is provided to complete only the advanced development models of its Military Computer Family (MCF) and to perform systems testing of these prototype computers. No funds authorized by this Act are to be used for product improvement of the advanced development models or to initiate full-scale engineering development of the MCF.

(3) No new development of Air Force military-standard 1750 computer systems may be initiated in fiscal year 1983 beyond the variants that currently exist. If, during fiscal year 1983, the Air Force requires a waiver of this restriction in order to pursue a system development program, this requirement should be coordinated with the Office of the Under Secretary of Defense for Research and Engineering and a report provided to the Congress with a justification for the exception.

(4) The Navy is expected to validate the technical data package for the AN/AYK-14 computer to enable second sourcing should such a plan be approved. Until such time, no funds authorized by this Act may be used to initiate second sourcing.

In consonance with the action of the conferees, the following authorization is recommended:

Service	Program	(In thousands of dollars)			
		Request	House	Senate	Conference
Army	Tactical ADP Tech	7,076	0	7,076	7,076
Army	Non-Tactical ADP Tech	495	0	495	0
Army	Command and Control (Eng. Dev.)	13,650	10,600	10,650	10,600
Army	Command and Control (Adv. Dev.)	22,133	10,268	22,133	20,000
Navy	Avionics Development	8,960	1,531	4,060	4,000
Air Force	Aircraft Avionics Equipment Dev	21,237	17,137	21,237	17,137
Air Force	Computer Resources Management Tech	4,993	4,697	4,993	4,697
Air Force	Adv. Computer Tech	4,957	3,457	4,957	3,457

DIRECTED ENERGY PROGRAMS

The capability of the United States to develop and deploy militarily effective space laser systems is a matter of considerable concern to the conferees. The Senate supported the approach recommended in the President's budget request which emphasizes long-wavelength chemical laser systems for near-term space weaponry capabilities while pursuing short-wavelength technologies at a lower level of effort as longer-term options. The House, by contrast, proposed a restructuring of the space laser programs located in the Air Force and Defense Advanced Research Projects Agency (DARPA) accounts. The House amendment would have terminated development efforts on long-wavelength laser systems and accelerated research and development on short-wavelength laser systems.

The conferees agree that the technology development being pursued in the DARPA Triad program has an important place in understanding the promise and possible shortcomings of long-wavelength chemical laser systems. Consequently, the House recedes to the Senate on the Alpha and Large Optics Demonstration Experiment (LODE) programs restoring them to the requested amount.

In addition, the conferees agree that the laser vulnerability and lethality studies and system development work for which funding was requested in the Air Force account should be pursued as a joint DARPA-Air Force program. The conferees agree that $20 million which was appropriated for fiscal year 1982 should be forward funded to permit the Air Force to participate in this joint program under the Air Force Advanced Radiation Technology program. If additional funds are required by the DARPA in fiscal year 1983 to participate in this joint effort, the DARPA may submit a reprogramming request to cover the funding shortfall.

In appreciation of the important role that short-wavelength lasers might have in space laser applications, the conferees agree to provide $20 million to accelerate development of such systems in addition to the $27.6 million requested for this purpose within DARPA's high energy laser technology program.

In view of the strong objections of the House conferees to the statutory direction included in the Senate bill that would mandate an on-orbit demonstration of long wavelength technology systems within the decade, the Senate reluctantly recedes on this bill language. The Senate conferees continue to believe that the maintenance of an option to deploy a militarily effective laser system in space at the earliest feasible time is a high national priority.

The Senate also recedes to the House addition of $2 million to the particle beam technology program with the Defense Advanced Research Projects Agency program in the belief that such an addition will make possible necessary research in the promising free electron laser technologies.

The conferees believe that the resolution of these issues adopted by the conference committee supports a balanced and comprehensive research and development effort into directed energy technologies and ensures that such R&D will be adequately funded in fiscal year 1983.

DISTANT EARLY WARNING (DEW) RADAR STATIONS

The Administration requested $7.995 million in the research and development account and $31.2 million in the procurement account to initiate a major upgrade of the Distant Early Warning (DEW) Line radar network. The Senate bill fully supported the request. The House amendment denied the request and questioned the utility and cost effectiveness of the proposed upgrade.

The conferees agreed to defer, without prejudice, initiation of the DEW Line upgrade program during fiscal year 1983. This deferral is based on fiscal constraints and not the merits of the DEW Line program.

The Senate recedes with an amendment.

ELECTRO-OPTICAL WARFARE

The Administration requested $15.927 million for the Electro-Optical Warfare program.

The Senate bill provided the full request; while the House amendment reduced the authorization by $3.927 million.

The conferees agreed to an authorization of $14 million with the understanding that the Office of the Under Secretary of Defense for Research and Engineering will conduct a complete review of all service infrared and radio frequency countermeasure programs to reduce the proliferation of systems and provide greater efficiency through triservice commonality.

ENHANCED MODULAR SIGNAL PROCESSOR

The Administration requested $14.497 million for the Navy Enhanced Modular Signal Processor (EMSP) program.

The Senate bill provided authorization of $13.087 million. The House amendment deleted the entire request for authorization.

The conferees agreed to authorize $13.087 million for the EMSP; however, the obligation of these funds is predicated on the Navy modifying existing contracts to require that EMSP be made a Very High Speed Integrated Circuit (VHSIC) proof of principal project and that VHSIC technology insertion be made at the earliest possible date.

The House recedes.

HIGH ENERGY LASER COMPONENTS

The Administration requested $33.116 million for the Army's High Energy Laser Component program.

The Senate bill provided the full request; the House amendment denied the authorization. The Army's past program in high energy lasers has advanced the technology; however, previous attempts at developing prototype laser weapon systems such as the mobile test unit have not materialized. The House conferees strongly opposed the conduct of the Forward Area Laser Weapon (FALW) demonstration but agreed with the Senate position that the close combat laser weapon system program may be continued under the High Energy Laser Component Program.

The conferees, therefore, recommend additional authorization of $13.808 million for the Army laser program weapon technology program. No funds authorized by this Act are to be used for the FALW demonstration.

HIGH TO MEDIUM AIR DEFENSE DEVELOPMENT (ANTI-TACTICAL MISSILE)

The Administration requested $27.172 million for the development of an Army Anti-Tactical Missile and requested authorization of $27.869 million for the development of an Advance Rocket Control System.

The Senate bill provide the full authorization for these two programs; the House amendment denied both requests for authorization.

The conferees are advised that the Department of Defense has restructured the anti-tactical missile program in a way to reduce substantially program development costs.

On the basis of the restructured program for the Anti-Tactical Missile, the conferees agreed to an authorization of $19.572 million to explore the applicability of the HAWK Surface-to-Air missile system as well as other alternatives and for the further development of an Advanced Rocket Control System.

The House recedes with an amendment.

JOINT ARMY/NAVY SEMI-ACTIVE LASER GUIDED PROJECTILE SYSTEM

The Administration requested $0.995 million for the Joint Army/Navy Semi-Active Laser Guided Projectile (SAL-GP) program.

The Senate bill authorized the full request; the House amendment provided additional authorization of $117 million with the provision that this authorization be used only for the 5-inch SAL projectile and the SEAFIRE Electro-Optical Fire Control system.

The conferees agreed to an authorization of $61 million, of which $60 million would be provided only for the 5-inch SAL projectile and the SEAFIRE fire control system. Sec. 202 requires that the authorization of $60 million be used only for this purpose. Moveover, of the total amount authorized, an amount not to exceed $1 million may be used to continue development of the Infrared Search and Track (IRST) system.

Sec. 202 further requires that the obligation and expenditure of funds for the DDG-X (DDG-51) are contingent upon the submission of a plan from the Secretary of the Navy to the Committees on Armed Services of the House and Senate to deploy the SEAFIRE and guided projectile with the DDG-51 lead ship.

JOINT SERVICES ROTARY WING AIRCRAFT PROGRAM (JVX)—MEDIUM ASSAULT TRANSPORT (V/HXM)

The Administration requested authorization of $49.765 million for the Army and $9.522 million for the Navy/Marine Corps participation in a new Joint Services Rotary Wing Aircraft program—the JVX. The Senate bill fully supported the JVX program. The House amendment deleted all authorization for the JVX along with the authorization requested for several other rotary wing aircraft programs. In so doing, the House expressed concern about the proliferation of rotary wing development programs. The House further indicated that future support for the JVX program would be contingent upon the Defense Department developing a comprehensive plan for its future rotary wing requirements.

The conferees agreed to provide a total authorization of $35 million to the Joint Services Rotary Wing aircraft program, $30 million to the Army and $5 million to the Navy/Marine Corps, with the understanding that it will be used to establish a better assessment of the cost, technical risk, schedule and mission requirements associated with the development and ultimate deployment of a 30,000-40,000 pound class tilt-rotor aircraft for joint service use. The conferees strongly support the tilt rotor concept by believe that additional development work needs to be done on the tilt rotor before a commitment is made to its use for multi-mission applications. In this regard, the conferees wish to reserve judgment on the need for a "gap-filler" solution to replace the Marine Corps aging CH-46 medium assault transport helicopter fleet. A decision need not be made to go forward with a "gap-filler" during fiscal year 1983; and the conferees prefer to gain a better understanding of the cost, technical risk and schedule associated with a multi-mission tilt-rotor aircraft.

The House recedes with an amendment.

MARK 92 FIRE CONTROL SYSTEM

The Administration requested $9.628 million for the Navy Mark 92 Fire Control System (FCS) program.

The Senate bill provided full authorization; the House amendment provided additional authorization of $15 million to enhance the capability of the Mark 92 FCS by adding a phased array radar. The House amendment provided statutory language requiring that the additional authorization of $15 million be used only for this purpose.

The conferees recommended authorization of $24.628 million. Sec. 202 requires that this authorization be used only for the Mark 92 FCS upgrade.

The Senate recedes.

MEDIUM RANGE AIR-TO-SURFACE MISSILE

The Administration requested $19.9 million for Navy development of the Tomahawk II, a Medium Range Air-to-Surface Missile (MRASM).

The Senate bill provided authorization of $4.9 million; the House amendment provided authorization of $39.9 million.

The conferees agreed that the Navy should continue the development of the MRASM because it would enable Navy tactical aircraft to standoff at greater ranges from enemy surface ships. The conferees agreed that an authorization of $26.5 million is adequate for the fiscal year 1983 MRASM research and development program. Section 202 would require that this authorization be used only for this purpose.

The Senate recedes with an amendment.

MILITARY STRATEGIC-TACTICAL RELAY SYSTEM (MILSTAR)

The Administration requested $79.8 million for research and development on the Military Strategic-Tactical Relay System (MILSTAR). The Senate bill authorized an additional $50 million to ensure that Extremely High Frequency (EHF) applique packages could be added to Fleet Satellites (FLTSAT) #7 and #8 and to reduce the risk that the MILSTAR sysmeet its scheduled initial operational capability. The House amendment support the Administration's request.

The conferees agreed to authorize $117.8 million to accomplish the purposes envisioned by the Senate. The conferees expect that no less than half the amount added to the original request will be applied toward the FLTSAT/EHF program so that the transition to EHF communications can begin as soon as possible and enjoy the maximum coverage achievable pending the introduction of the MILSTAR system.

The conferees also anticipate that the Administration will take appropriate steps, both with respect to fiscal year 1983 and future years, to ensure that the high priority MILSTAR program is sufficiently funded to meet its planned IOC.

The House recedes with an amendment.

MODULAR AUTOMATED INTEGRATED SYSTEMS INTEROPERABILITY AND EVALUATION (MAINSITE)

The Administration requested $17.119 million for the Army Modular Automated Integrated Systems Interoperability Test and Evaluation (MAINSITE) program. The Senate bill reduced the request by $10 million. The House amendment deleted the entire request and expressed concern about initiating a new command, control, communications and intelligence test bed at a time when the Army is unable to procure sufficient numbers of tactical battlefield radios and secure voice devices because of funding constraints.

The conferees expressed concern about the scope and cost of the MAINSITE program and agreed to provide an authorization of $3 million for the purpose of establishing a detailed plan. This plan should establish a schedule for MAINSITE, refine program cost estimates and provide an assessment of the technical complexity. The conferees reserved judgment on approving MAINSITE until a plan is developed and presented to the Congress. If additional fiscal year 1983 funds are needed to support MAINSITE, a reprograming request may be submitted after the detailed plan has been forwarded to the Armed Services and Appropriation Committees of the Senate and the House of Representatives.

The Senate recedes with an amendment.

MX MISSILE

The Administration requested $2,759.3 billion for the Air Force MX missile system.

The Senate bill recommended authorization of $2,277.3 million; the House amendment recommended authorization of $2,609.3 million. In addition, the House amendment prohibited the obligation of $715 million of the amount authorized until the President completes a review of alternative MX missile system basing modes and provides written notification to the Congress of the long-term basing mode selection. The House amendment fully supported the development of the MX missile together with the Advanced Ballistic Reentry Vehicle (ABRV) system.

The conferees agreed to an authorization of $2,509.3 million for the MX missile system of which $715 million is subject to the same provision as in the House amendment. The conferees agreed with the House position to provide full support for the research and development of MX missile and the associated ABRV.

The Senate recedes with an amendment.

NATO CONVENTIONAL CAPABILITY IMPROVEMENT STUDY

The report accompanying the Senate bill directed the Secretary of Defense to submit a NATO Conventional Capability Improvement Study to the Congress concurrent with the President's budget request for fiscal year 1984. The House amendment had no similar provision.

The conferees expressed continued concern regarding NATO's conventional warfighting capabilities. Although improvements have occurred, additional improvements are necessary in view of the increased capabilities of Soviet conventional forces and an overreliance on theater nuclear weapons for NATO's defense. The conferees, therefore, believe that a timely and comprehensive NATO conventional force modernization program is necessary and urgent.

The U.S. Army recently revised its fighting doctrine to increase the combat effectiveness of existing units. This doctrine anticipates significant technological advances in conventional weapons, precision guided munitions, surveillance techniques, information processing, targeting and engagement systems.

The conferees believe that the Department of Defense should fully evaluate the potential of these technological advances to enhance NATO's conventional force capabilities and should determine whether these programs should be given higher priority in resource allocation decisions.

The conferees are not advocating a massive conventional military force buildup that seeks to match quantity with quantity. Instead the conferees believe that a carefully planned U.S.-NATO conventional force modernization program that is based on such initiatives as the Assault Breaker Technology Demonstration Program can, through its force multiplier effects, represent a cost-effective alternative to seeking a quantitative military balance. Conventional force improvements can enhance the linkage between NATO's deterrent triad of forces, as well as contribute to stability by raising the nuclear threshold level.

The conferees, therefore, direct the Secretary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive study of potential advancements in conventional weapons and munitions that may improve the warfighting capabilities of NATO forces. This study should be submitted concurrent with the President's budget request for fiscal year 1984.

The views and analyses of appropriate theater commanders, including the Supreme Allied Commander, Europe, should be incorporated in the study. This study should evaluate programs for each of the services and be consistent with current military doctrine for an air-land battle.

The study should include a comprehensive program for a second echelon interdiction capability and a counter air weapon capability. This program should define a development and acquisition program, including schedule and costs, options for program acceleration, and an early IOC (1986) utilizing past and current development programs. In particular, the second echelon interdiction weapon program should make maximum use of the results from the resources that have already been expended on the Assault Breaker Program (more than $200 million since 1978) and the technologies that were developed in that program, including sensor-surveillance systems, information processing, target acquisition and delivery systems, and submunitions.

The proposed program for the second echelon interdiction weapon system should conform to the emerging military doctrine for an air-land battle. To permit early IOC (1986), while minimizing program costs, the proposed development and acquisition program(s) for the Army and Air Force should make use of common systems, subsystems, and components, including a common missile, sensor or sensors derived from the Assault Breaker-PAVE Mover and Precision Location Strike System programs, and a properly funded program for terminally guided submunitions to meet the weapon system's IOC.

The proposed program for counter air should be measured against the projected European threat environment and designed to augment and complement aircraft through the use of a ground-based system for fixed targets. To minimize program development and acquisition costs and to permit an early IOC, maximum use of past and present developed hardware should be made.

Both programs should entail plans for subsequent European participation through co-development and co-production agreements.

NIGHT PRECISION ATTACK

The Administration requested $103.758 million to continue the development of the Air Force Low Altitude Navigation Target Infrared for Night (LANTIRN) system under the Night Precision Attack program.

The Senate bill provided authorization of $88.75 million with a provision that would prohibit the obligation or expenditure of funds for LANTIRN until the Secretary of the Air Force provides written certification to the Congress stating that the program has been restructured to provide a competitive demonstration between the LANTIRN system and a variant of the Navy F/A-18 Forward Looking Infrared (FLIR) system. The Senate provision would also prohibit the Air Force from entering into a production contract for LANTIRN until completion of the development program competition.

The House amendment provided authorization of $110.758 million of which $7 million was for the integration of the Navy FLIR system on the Air Force F-16 tactical aircraft.

It is the intent of the conferees that the LANTIRN targeting pod be competed against a suitably modified F/A-18 FLIR system. This competition shall not include the automatic target recognizer proposed for LANTIRN, however, both pods are expected to possess sufficient growth capacity to accommodate this capability should it be successfully developed. The conferees agreed that this competition should be conducted between two pods sufficiently mature in their development to enable a valid comparison of both capability and production costs.

The conferees strongly support the requirement for a competitive demonstration between the LANTIRN and a variant of the F/A-18 FLIR systems and agreed to an authorization of $100 million. An additional authorization of $22 million was recommended for the Navy's F/A-18 program to begin development of the necessary modifications of the F/A-18 FLIR system. The conferees also agreed to accept the provision of the Senate bill as amended to permit the transition of the Low Altitude Navigation pod from development to production.

Section 203 contains the Senate provision as amended.

The House recedes with an amendment.

SHIP CONCEPT FORMULATION

The Administration requested authorization of $18.810 million for the Ship Concept Fomulation program.

The Senate bill recommended authorization of $15.810 million with the understanding that none of these funds were to be used for design work on "notional" ships described in the Navy's Extended Planning Annex. The House amendment provided full authorization.

The conferees agreed to an authorization of $15.810 million without restriction on the use of this authorization.

The House recedes.

SHIP SYSTEMS ENGINEERING STANDARDS

The Administration requested authorization of $1.749 million for the Navy Ship Systems Engineering Standards (SSES) program.

The Senate bill provided additional authorization of $13 million; the House amendment provided additional authorization of $16.251 million.

The conferees agreed to an authorization of $15 million and concur in the House position that this authorization is to be used to continue the generic SSES program to develop design criteria for medium and large sized combatants and to initiate the design phase of a variable payload, medium sized combatant (MSC) ship. The detailed design for the MSC is expected to be completed in fiscal year 1984.

The Senate recedes with an amendment.

SURFACE WARFARE

The House amendment contained a provision requiring that an authorization of $1,100.0 million be available only for Navy surface warfare programs. The Senate bill contained no similar provision.

The conferees in recognition of the deficiencies of the Navy's surface fleet agreed that at least $900 million be authorized for surface warfare programs.

This authorization reflects the amount of funds that the Navy plans to allocate for surface warfare programs during fiscal year 1983.

Section 202 would require that $900 million be available only for surface warfare programs.

The Senate recedes with an amendment.

STANDARD MISSILE 2, BLOCK III

The Administration requested $16.483 million to develop the next generation of the Navy Standard Missile, a surface-to-air weapon for surface vessels.

The Senate bill provided the full authorization request; however, $2 million was authorized to study various alternatives to the Standard Missile and none of the remaining authorization was to be obligated or expended until the study effort was completed and the results forwarded to the Committees on Armed Services of the Senate and House of Representatives. The House amendment provided the authorization as requested.

The conferees agreed to an authorization of $16.483 million of which $14.483 million is only for the research and development necessary for developing Standard Missile 2 Block III. The remaining authorization of $2 million is to be used only to study further missile alternatives required by the Navy to maintain maritime air superiority in the future.

TARGET SYSTEM DEVELOPMENT

The Administration's request included $43.901 million for the Navy Target System Development program.

The Senate bill recommended the full authorization request. The House amendment reduced the request to $23.901 million and required that the authorization that was requested for the Vandal target be used instead for the development of a Firebrand Advanced Aerial Target.

The conferees agreed to provide the full authorization request by the Department of Defense; however, $12 million must be used for the development of a derivative of the Air Force Firebolt target. Sec. 202 requires that the authorization of $12 million be used only for this purpose.

The action taken by the conferees would enable the Navy to complete the near term Vandal target while initiating the development of the urgently needed Firebolt.

The House recedes with an amendment.

TERMINALLY GUIDED PROJECTILE

The Department of Defense requested $6.8 million for the development of a terminally guided 155mm projectile. The House denied the Administration's request while the Senate funded the full amount. The

conferees agreed to restore the Administration's request for $6.8 million.

The conferees recognize the requirement to develop a terminally guided 155mm projectile since a majority of the Army's artillery tubes are that caliber. Prior efforts to develop this capability have involved the exploration of a broad range of technologies but have not yielded a weapon ready for development.

Under the Terminally Guided Projectile program the Army is currently evaluating at least five different technologies to meet this requirement. Similar research has been conducted under the Army's Field Artillery Ammunition Development program (which developed the 8-inch SADARM projectile), the Advanced Indirect Fire System funded by DARPA, and the DARPA Assault Breaker program.

The conferees agreed that since resources are limited and sufficient research has been completed to permit the selection of the most promising technologies, the Army should restrict the scope of the work conducted under this program to two seeker types—the Sense and Destroy Armor (SADARM) seeker and the SKEET seeker developed for the Defense Advanced Research Projects Agency.

The House recedes with an amendment.

TACTICAL AIRCRAFT

In assessing the Administration's request for both the procurement and development of tactical aircraft, the conferees expressed concern over the proliferating number of military aircraft production lines. The Department of Defense is currently procuring aircraft from more than 25 production lines, not a single one of which is operating at the most efficient production rate.

While the conferees recognize that the total number of tactical aircraft being procured today is greater than that achieved by the previous Administration, they nevertheless believe that greater economics can and should be realized. By reducing the number of production lines in operation and increasing the production rates of those that remain, unit costs could be reduced substantially.

In spite of the growing number of aircraft production lines, the Administration has proposed the development of several new military aircraft. These include two new jet trainers (the Navy's VTX and the Air Force's NGT or Next Generation Trainer), a new strategic communications aircraft (ECX) for the Navy, a new strategic airlift (C-17), and a Joint Services Rotor Aircraft (JVX). While the conferees recommended approval of funding for each of these new development aircraft they also agreed to reserve judgment on any production decisions until the Congress is presented a comprehensive plan which persuasively establishes the Administration's ability to fund these new developments without diverting resources from existing production lines. The conferees will not be inclined to support these new developments if they lead only to greater inefficiencies in the production of other aircraft.

The conferees direct the Secretary of Defense to prepare such a comprehensive report addressing both the current and future requirements of each of the services for military aircraft. This analysis should take into account the various requirements for tactical, strategic, airlift, trainer, and utility aircraft, but should focus primarily on tactical requirements. For the Air Force it should address both force size (number of tactical fighter airwings) and force composition. Similarly, for the Navy it should address the number of carrier airwings and composition of those airwings. For the Army and the Marine Corps it should address the modernization of assault and attack rotary wing units. Consideration should also be given to the requirement for modernizing existing inventory aircraft such as the Army's Cobra, which will continue to comprise the majority of our Army and Marine attack helicopter forces well into the next decade.

The conferees also request that within this comprehensive report on tactical airpower requirements, an analysis be presented on how resources should be allocated between the procurement of additional aircraft and the air-to-air and air-to-ground weapons they must deliver to successfully carry out their mission. The conferees question the merits of increasing force structure if it comes at the expense of equipping existing force levels with vitally needed weapons. The conferees request that this report be completed and presented to the Committees on Armed Services of the House of Representatives and the Senate no later than February 15, 1983.

The conferees stress that future support for such new developments as the JVX, ECX, VTX and NGT will be contingent upon the Administration's ability to fund these programs without imposing economic penalties on existing production programs.

SPECIAL CONSIDERATIONS—TACTICAL AIR

Advanced tactical fighter technologies (ATFT)

The Administration requested $27.3 million for the Air Forces' Advanced Tactical Fighter program. The Senate authorized $27.3 million. The House denied the request.

The conferees agreed to an authorization of $23.0 million to permit the Air Force to begin evaluation of promising technologies for possible application to a future tactical fighter aircraft. These funds are intended only for the evaluation of technologies (both airframe and engine) and do not represent a commitment to the development of an advanced tactical fighter.

The conferees request that the title of this program be modified to Advanced Tactical Fighter Technologies to reflect Congressional intent.

F-15E/F-16E

The Senate authorized $13.0 million for the air-to-ground F-15E and $11.0 million for the F-16E. The House deleted both amounts. The conferees agreed to accept the Senate approved funding levels.

These funds are authorized to permit the Air Force to conduct a comparative flight demonstration between the F-15E and F-16E. Until the results of this comparative demonstration are satisfactorily presented to the Congress and the costs associated with both programs are thoroughly defined, the conferees withhold a commitment to the full scale development of either aircraft.

UNDERGRADUATE FLIGHT TRAINING SYSTEM

The conferees agreed to authorize $9.6 million for the development of a new Navy jet trainer (VTX), but expressed concern over the projected cost of the program. The continued support of the conferees for the VTX will be predicated on the Navy's ability to adequately address the VTX program schedule, priority and overall affordability within the Navy's tactical aircraft procurement account. The conferees expressed particular concern about the total projected cost of the VTX program and specifically request that steps be taken to reduce these costs.

SPECIAL PROVISIONS—TITLE II

C-17 cargo transport (sec. 201)

The House amendment contained a provision that would specify that, of the amount authorized for the Air Force Research, Development, Test and Evaluation, $1 million is available only for the effort associated with the C-17 cargo transport aircraft. The Senate bill contained no similar provision; the Senate recedes.

Limitation on funds for the Navy (sec. 202)

Section 203 of the House amendment contained a provision that would place a limitation on funds for the Navy on the following programs: The Firebrand (Firebolt) Aerial Target program, the Mark 92 Gunfire Control system, the 5-Inch Semi-Active Laser Guided Projectile and the Seafire Electro-Optical Fire Control system, the Medium Range Air-to-Surface (MRASM) system, the DDG-X (DDG-51) Ship program as it relates to the Guided Projectile program, the Advanced Mine program, the authorization of funds for Surface Warfare programs and the Vertical Launching Anti-Submarine Rocket system.

The Senate bill contained no similar provision.

With the exception of the Vertical Launching Anti-Submarine rocket system, the conferees agreed to accept the House provision with an amendment. The specific action of the conferees is described under each program in this Statement of Managers. The Senate recedes with an amendment.

LANTIRN system (sec. 203)

The Senate bill contained a provision (sec. 202) that would restrict expenditures on the Air Force Low Altitude Navigation Targeting Infrared for Night (LANTIRN) system. The House amendment contained no similar provision. The House recedes. The specific action of the conferees is discussed in the Night Attack Program of this Statement of Managers.

Submarine advanced combat systems

Section 203 of the Senate bill would restrict the obligation or expenditure of funds for the Navy Submarine Advanced Combat system program pending receipt of a plan from the Secretary of the Navy outlining the Navy's plan to proceed with the improvement of the Mark 92 Gunfire Control system. The House amendment contained no similar provision. The Senate recedes.

BMD technology program

Section 202 of the House amendment would provide that not more than $259.744 million would be available for Army Ballistic Missile Defense (BMD) technology program. The Senate bill contained a provision (sec. 204) that would limit the amount of authorization for the development of a low exo-atmospheric/high endo-atmospheric BMD system to $100 million and additionally would require the Secretary of Defense to submit a report on BMD to the Congress by December 1, 1982. Neither the Senate bill nor the House amendment provision was adopted by the conferees. the specific action of the conferees on the BMD is described in the BMD program in this Statement of Managers.

High energy laser program

Section 204 of the House amendment contained a provision that would prohibit the obligation or expenditure of funds for the

Defense Advanced Research Projects Agency High Energy Laser program. This provision further stated that $50 million would be available only for the effort related to short wavelength laser technology. The Senate bill contained no similar provision. The House recedes. The specific action of the conferees is described in the Directed Energy program in this Statement of Managers.

TITLE III—OPERATION AND MAINTENANCE

GENERAL ISSUES

Fuel cost reestimate

The fiscal year 1983 Department of Defense request included $9.4 billion for fuel purchases. In view of the existing oil surplus and lower than anticipated fuel prices, both the Senate bill and the House amendment reflect a readjustment of the Department of Defense estimate of the cost of a composite barrel of fuel from $49.98 to $47.46. This would result in a net reduction of approximately $440 million.

The resolution of differences is allocating these reductions between the Senate bill and the House amendment within major account titles is as follows:

[In millions of dollars]

Major account	Senate bill	House amendment	Conference action
Army	−27.5	−24.8	−24.8
Navy	−154.0	−143.8	−154.0
Marine Corps	0	−2.1	0
Air Force	−259.0	−223.3	−259.0
Defense agencies	0	−0.2	−0.2
Army Reserve	0	−0.9	−0.9
Navy Reserve	0	−8.4	0
Air Force Reserve	0	−8.0	0
Army National Guard	0	−2.7	−2.7
Air National Guard	0	−27.4	0

Foreign currency revaluation

In view of the continuing strength of the U.S. dollar since the submission of the fiscal year 1983 Department of Defense request, the Senate bill and House amendment reflect recalculated budgeted currency exchange rates on the basis of more favorable rates existing on April 20, 1982. This revaluation resulted in an overall reduction of approximately $198 million.

The resolution of differences in allocating these reductions between the Senate bill and the House amendment within major account titles is as follows:

[In millions of dollars]

Major account	Senate bill	House amendment	Conference action
Navy	−32.0	−33.8	−33.8
Marine Corps	−10.2	−10.0	−10.2
Air Force	−47.5	−46.2	−47.5
Defense agencies	−11.6	−9.4	−11.6

tracting out Con-

The fiscal year 1983 request contained approximately $33.5 million to perform detailed cost studies associated with the OMB Circular A-76 contracting out program. The Senate bill authorized the amount requested. The House amendment deleted authorization for this purpose. The conferees agreed to a six month moratorium on cost studies with certain exceptions. The conferees restored half of the request by major account title as follows:

[In millions of dollars]

Major account	Senate bill	House amendment	Conference action
Army	13.5	0	−6.75
Navy	5.7	0	−2.85
Marine Corps	1.2	0	−0.6
Air Force	10.8	0	−5.4
Defense agencies	2.3	0	−1.15

The House amendment also provided that $316.3 million in authorization requested for salaries associated with 17,000 additional contract conversions proposed in fiscal year 1983 be used only for salaries for additional direct hire civilian personnel. The Senate bill contained no similar provision. The conferees agreed to restrict availability of $158.15 million of the authorization requested for contract salaries to be used only for salaries of additional direct hire personnel distributed among the major accounts as follows:

[In millions of dollars]

Major account	House amendment	Conference action
Army	50.0	25.0
Navy	162.0	81.0
Marine Corps	3.0	1.5
Air Force	83.4	41.7
Defense agencies	17.9	8.95

In addition, the House amendment provided that $251.3 million in authorization associated with the functions proposed for conversion in fiscal year 1983 be obligated only in conjunction with performance by Federal civilian personnel. The Senate bill contained no similar provision. The conferees agreed that half of the authorization requested associated with the functions proposed for conversion in fiscal year 1983 be obligated only in conjunction with performance by Federal civilian personnel to be distributed among the major accounts as follows:

[In millions of dollars]

Major account	House amendment	Conference action
Army	50.0	25.0
Navy	100.0	50.0
Air Force	83.4	41.7
Defense agencies	17.9	8.95

Real property maintenance

The fiscal year 1983 request contained $3.7 billion for maintenance, repair and minor construction of real property. The Senate bill added $348.4 million in authorization for real property maintenance. The House amendment increased the request by $295.2 million.

The conferees agreed to increase the amount requested for real property maintenance by $305.3 million in authorization and resolved specific differences in the allocation of increases contained in the Senate bill and the House amendment within major account titles as follows:

[In millions of dollars]

Major account	Senate bill	House amendment	Conference action
Army	+245.0	+200.0	+203.0
Navy	+75.0	+50.0	+50.0
Marine Corps	+5.0	+15.0	+15.0
Air Force	−20.0	−5.7	−20.0
Defense agencies	+20.0	0	+20.0
Army Reserve	+7.4	+8.1	+8.1
Navy Reserve	+10.0	0	+10.0
Air Force Reserve	0	3.1	0
Army National Guard	0	+10.2	+13.2
Air National Guard	+6.0	+10.0	+6.0

OPERATION AND MAINTENANCE, ARMY

[Amounts in millions of dollars]

Budget activity	Administration fiscal year 1983 request	Conference recommendation	Net change from request
General Purpose Forces	6,089.1	6,083.7	−5.4
Base operations			(−11.3)
Currency revaluation			(−66.6)
Contracting out studies			(−2.1)
Borrowed military manpower (−1,500 civilian personnel)			(−30.0)
Force modernization			(−53.0)
POMCUS			(−10.2)
Inactivate CDEC [1]			(−2.0)
CINC readiness fund			(−15.7)
Real property maintenance			(+158.9)
Morale, welfare and recreation			(+16.6)
Bachelor housing furniture			(+10.0)
Intelligence and Communications	916.9	910.7	−6.2
Currency revaluation			(−6.2)
Contracting out studies			(−0.3)
Other			(−1.2)
Classified programs			(−1.5)
Base operations			(−0.2)
Real property maintenance			(+3.0)
Moral, welfare and recreation			(+0.2)
Central Supply and Maintenance	5,102.3	4,988.9	−23.4
Fuel cost reestimate			(−24.8)
Currency revaluation			(−16.6)
Contracting out studies			(−1.3)
POMCUS [2]			(−5.8)
Base operations			(−0.8)
CINC readiness fund			(−11.1)
Force modernization			(−7.0)
Real property maintenance			(+3.5)
Morale, welfare and recreation			(+0.5)
Maintenance and support activities			(+40.0)
Training, Medical and Other General Personnel Activities	3,638.2	3,602.3	−35.9
REARM offset [3]			(−0.1)
Base operations			(−6.5)
CINC readiness fund			(−3.2)
Currency revaluation			(−3.1)
Contracting out studies			(−2.2)
Recruiting/advertising			(−25.0)
Army continuing education system			(−30.0)
Skill qualification test			(−5.0)
Real property maintenance			(+37.6)
Morale, welfare and recreation			(+1.6)
Administration	1,040.7	1,038.8	−1.9
Base operations			(−1.2)
Contracting out studies			(−0.8)
Morale, welfare and recreation			(+0.1)
Support of other nations	130.3	125.6	−4.7
Currency revaluation			(−4.7)
Total, Army	16,827.6	16,750.1	(−77.5)

[1] CDEC—Combat Development Experimentation Command.
[2] POMCUS—Prepositioned material configured in unit sets. Four division sets of equipment are currently prepositioned in Europe to support airlifted reinforcing U.S. soldiers.
[3] REARM—Renovation—armament materiel is a program to upgrade capital equipment at Army Arsenals.

Base operations

The fiscal year 1983 request contained $3,899.9 million for Army base operation support. The Senate bill reduced the Army request by $20 million. The House amendment authorized the amount requested.

The House recedes.

Civilian personnel

The fiscal year 1983 Army request included 386,444 civilian personnel. The Senate bill reduced this amount by 8,400 with a corresponding reduction in the Army operation and maintenance account of $103.7 million. The House amendment reduced Army civilian end strength by 1,000 with a corresponding reduction in the operation and maintenance request of $20 million.

The conferees agreed to a civilian end strength reduction of 1,500 with a corre-

sponding decrease in the Army operation and maintenance request of $30 million.

CINC readiness fund

The Defense Agencies operation and maintenance request contained $100 million in authorization for contingencies for the Unified Commands. The Senate bill would transfer $30 million from the Army operation and maintenance request to fund that account.

The House amendment contained no such transfer.

The House recedes.

Intelligence and communications/classified programs

The fiscal year 1983 request contained $916.9 million for intelligence and communications and classified programs. The Senate bill authorized $914.6 million—a reduction of $2.3 million. House amendment contained a reduction of $0.9 million.

The conferees agreed to a reduction of $2.7 million in authorization for Army intelligence and communications activities.

Maintenance support activities

The fiscal year 1983 request contained $476.4 million for maintenance support activities. The Senate bill authorized $538.4 million—an increase of $62 million. The House amendment authorized the amount requested.

The conferees agreed to an authorization of $516.4 million for Army maintenance support activities—an increase of $40 million.

Force modernization

The fiscal year 1983 request contained $1,438.5 million for Army force modernization activities. The Senate bill authorized the amount requested. The House amendment authorized 1,338.5 million—a decrease of $100 million.

The conferees agreed to an authorization of $1,378.5 million—a reduction of $60 million.

Prepositioned material configured in unit sets 5 and 6 (POMCUS)

The fiscal year 1983 request contained $31 million for POMCUS sets 5 and 6 located in the Netherlands and Belgium. The Senate bill authorized the amount requested. The House amendment deleted all authorization for that purpose.

The conferees expressed their concerns about the effect of prepositioning equipment on the ability of U.S. forces to respond to contingencies outside NATO. Nevertheless, because of geographical disadvantages and acute shortages of strategic lift, the conferees are sympathetic to the requirement for POMCUS sets 5 and 6 and support the U.S. commitment to this policy to the extent that such commitment does not degrade overall National Guard and Reserve readiness.

The conferees agreed to an authorization of $15 million for POMCUS sets 5 and 6.

Morale, welfare and recreation

The fiscal year 1983 request contained $179.9 million for morale, welfare and recreation activities. The Senate bill authorized the amount requested. The House amendment authorized $198.9 million—an increase of $19 million.

The Senate recedes.

Bachelor housing furniture

The fiscal year 1983 request contained $42.9 million for bachelor housing furniture. The Senate bill authorized the amount requested. The House amendment authorized $63.9 million—an increase of $21 million.

The conferees agreed to an authorization of $52.9 million.

Renovation-armament materiel (REARM)

The fiscal year 1983 request contained $0.1 million associated with the transfer of REARM activities at Watervliet Arsenal to the Department of Defense capitalization program. The Senate authorized the amount requested. The House amendment deleted funding for that purpose.

The Senate recedes.

Army continuing education system (ACES)

The fiscal year 1983 request contained $157.3 million for the Army continuing education system. The Senate bill reduced authorization for that program by $15 million. The House amendment authorized $127.3 million—a decrease of $30 million.

The Senate recedes.

Skill qualification test (SQT)

The fiscal year 1983 request contained $18 million for the Army skill qualification test program. The Senate bill authorized the amount requested. The House amendment authorized $9 million.

The conferees agreed to an authorization of $13 million.

Cancel/delay new unit activations

Subsequent to the submission of the fiscal year 1983 request, the Department of Defense identifed $2 million in possible reductions associated with the cancellation or delay of various new unit activation. The Senate bill authorized the amount requested. The House amendment reduced the authorization by $2 million.

The House recedes.

Reduce 4 battalions

Subsequent to the submission of the fiscal year 1983 request, the Department of Defense identified $15 million in possible reductions associated with the reduction of 4 active Army battalions. The Senate bill authorized the amount requested. The House amendment reduced the authorization by $15 million.

The House recedes.

OPERATION AND MAINTENANCE, NAVY

[Amounts in millions of dollars]

Budget activity	Administration fiscal year 1983 request	Conference recommendation	Net change from request
Strategic Forces	1,774.6	1,774.6	0
General Purpose Forces	11,073.3	10,715.2	−358.2
Currency revaluation			(−24.2)
Uranium enrichment			(−109.0)
TAKX charter and convert			(−40.0)
Fleet command and staff			(−5.0)
End strength support			(−2.5)
Contracting out studies			(−0.4)
Ship maintenance and modification			(−50.0)
Base operations			(−15.0)
CINC readiness fund			(−30.0)
Decommissioned ships			(−187.1)
Increased steaming days			(+75.0)
Morale, welfare and recreation			(+7.0)
Real property maintenance			(+23.0)
Intelligence and Communications	942.4	930.9	−11.5
Other			(−11.9)
Currency revaluation			(−2.5)
Contracting out studies			(−0.1)
Real property maintenance			(+3.0)
Central Supply and Maintenance	6,043.4	5,950.2	−93.2
Fuel cost reestimate			(−154.0)
Aircraft depot maintenance			(−50.0)
Currency revaluation			(−5.4)
Base operations			(−3.0)
Contracting out studies			(−1.4)
End strength support			(−1.3)
Decommissioned ships			(−2.9)
Installation of aircraft modifications			(+101.3)
Real property maintenance			(+13.5)
SUBROC			(+10.0)
Training, Medical and Other General Activities	1,836.9	1,837.7	+0.8
Recruiting/advertising			(−15.0)
Base operations			(−2.0)
Currency revaluation			(−1.7)
Contracting out studies			(−0.3)
End strength support			(−0.7)
Real property maintenance			(+10.5)
Morale, welfare and recreation			(+10.0)
Administration Contracting Out Studies	495.1	494.4	−0.7
Support of Other Nations	.2	.2	0
Total, Navy	22,165.8	21,702.6	−463.2

Note.—Totals may not add due to rounding.

Base operations

The fiscal year 1983 request contained $2.108.7 million for base operation support. The Senate bill authorized $2,088.7 million—a reduction of $20 million. The House amendment authorized the amount requested.

The House recedes.

CINC readiness fund

The Defense Agencies operation and maintenance request contained $100 million in authorization for contingencies for the Unified Commands. The Senate bill would transfer $30 million from the Navy operation and maintenance request to that account. The House amendment provides for no such transfer.

The House recedes.

Intelligence and communications

The fiscal year 1983 request contained $942.4 million for intelligence and communication activities. The Senate bill authorized $940.1 million. The House amendment authorized $930.9 million.

The conferees agreed to an authorization of $930.5 million—a reduction of $11.9 million.

Installation of aircraft modifications

The fiscal year 1983 request contained $214.4 million for the installation of aircraft modifications. The Senate bill authorized $315.7 million—an increase of $101.3 million. The House amendment authorized $259.4 million.

The House recedes.

Morale, welfare and recreation

The fiscal year 1983 request contained $141.5 million for morale, welfare and recreation activities. The Senate bill authorized the amount requested. The House amendment authorized $158.5 million—an increase of $17 million.

The Senate recedes.

Uranium enrichment

The fiscal year 1983 request contained $109 million for uranium enrichment services for the Naval Nuclear Propulsion Program. The Senate bill authorized the amount requested. The House amendment deleted the $109 million authorization requested for that purpose and recommended its transfer back to the Department of Energy budget to be authorized as part of the Department of Energy defense programs.

The Senate recedes.

Fleet command and staff

The fiscal year 1983 request contained $255.6 million for fleet command and staff activities. The Senate bill authorized the amount requested. The House amendment

authorized $250.6 million—a $5 million reduction.

The Senate recedes.

General purpose ship maintenance and modification and aircraft depot maintenance

The fiscal year 1983 request contained $5,989 million for general purpose ship maintenance and modification and aircraft depot maintenance. The Senate bill authorized the amount requested. The House amendment contained a $100 million reduction in authorization divided equally between the ship and aircraft depot maintenance accounts.

The Senate recedes.

Increased steaming days

The fiscal year 1983 request contained $2.9 billion for ship operations. The Senate bill authorized the amount requested. The House amendment included an increase of $75 million in authorization for additional steaming hours.

The Senate recedes.

SUBROC

The fiscal year 1983 request contained no authorization for modification necessary to carry the SUBROC antisubmarine weapon on attack submarines after they have been modified to carry the TOMAHAWK missile. The Senate bill contained no authorization for this purpose. The House amendment authorized $20 million for SUBROC modifications.

The conferees agreed to authorize $10 million for SUBROC modifications.

Navy commissary store operations

The fiscal year 1983 Navy budget reflects the transfer of 3,000 direct-hire civilians working in commissaries to a nonappropriated fund (NAF) status and requires O&M funds to be used as a source for reimbursing the NAF instrumentality. Due to serious concern regarding legal, personnel, and cost savings issues involved in these transactions, the House amendment deleted $110 million associated with this transfer and the absorption of 3,000 direct hire spaces and directed that commissary employees remain in a civil service status. The Senate bill contained no such provision.

The conferees agreed that the Navy commissary store system should continue to operate as an appropriated fund activity consistent with prior year funding levels. The conferees further agreed to restore the $110 million, provided that $50 million of that amount be used only for salaries associated with 3,000 additional Navy direct hire employees

The House recedes.

End strength decrease

In accordance with a reduction of 5,000 in Navy active duty end strength the House amendment reflected a corresponding reduction of $4.5 million associated with operation and maintenance support. The Senate bill made no such reduction.

The Senate recedes.

Decommissioning ships

Subsequent to the submission of the fiscal year 1983 request, the Department of Defense identified $248.9 million in savings associated with the early decommissioning of 22 ships. The Senate bill would reduce the original request by $154 million related to 13 decommissioning vessels. The House amendment deleted the entire $248.9 million.

Although the conferees concluded that the early retirement of older, less capable ships would not impair fleet effectiveness, they agreed that the Navy should be given the flexibility to retain any vessels necessary to meet unforeseen changes in fleet requirements.

The conferees agreed to a reduction in authorization of $189.9 million. The conferees further agreed to authorize $29 million to continue to operate 5 LSD-28 vessels and $30 million for the operation of 4 DDGs throughout planned deployment schedules in fiscal year 1983.

Support personnel end strength reductions

The Senate bill included a reduction of $3.5 million associated with support for military personnel end strength reduction.

The House bill contained no similar provision.

The Senate recedes.

OPERATION AND MAINTENANCE, MARINE CORPS

(Amounts in millions of dollars)

Budget activity	Administration's fiscal year 1983 request	Conference recommendation	Net change from request
General Purpose Forces	861.8	852.6	−9.2
CINC readiness fund			(−10.0)
Currency revaluation			(−10.2)
Contracting out studies			(−0.5)
Military personnel support			(−1.5)
Real property maintenance			(+10.0)
Morale, welfare and recreation			(+3.0)
Central Supply and Maintenance	358.9	361.8	+2.9
Contracting out studies			(−0.1)
Real property maintenance			(+3.0)
Training, Medical and Other General Personnel Activities	190.2	187.2	−3.0
Recruiting/advertising			(−5.0)
Real property maintenance			(+2.0)
Administration	71.0	71.0	0.0
Total, Marine Corps	1,481.8	1,472.5	−9.3

CINC readiness fund

The Defense Agencies operation and maintenance request contained $100 million in authorization for contingencies for the Unified Commands. The Senate bill would transfer $10 million from the Marine Corps operation and maintenance request to fund that account.

The House amendment contained no such transfer.

The House recedes.

Support personnel end strength reduction

The Senate bill included a reduction of $1.5 million associated with civilian personnel adjustments in the Department of the Navy.

The House bill contained no similar provision.

The House recedes.

Recruiting and advertising

The fiscal year 1983 request contained $56.1 million for recruiting and advertising activities. The Senate bill authorized the amount requested. The House amendment authorized $51.1 million—a $5 million reduction.

The Senate recedes.

Morale, welfare and recreation

The fiscal year 1983 request contained $22.6 million for morale, welfare and recreation activities. The Senate bill authorized the amount requested. The House amendment authorized $25.6 million—a $3 million increase.

The Senate recedes.

OPERATION AND MAINTENANCE, AIR FORCE

(Amounts in millions of dollars)

Budget activity	Administration's fiscal year 1983 request	Conference recommendation	Net change from request
Strategic forces	3,084.5	3,072.8	−11.7
Base operations			(−5.0)
CINC Readiness Fund			(−4.0)
Foreign currency revaluation			(−5.0)
Real property maintenance			(−2.7)
B-52D			(+2.0)
Contracting-out studies			(−1.0)
Morale, welfare and recreation			(+4.0)
General purpose forces	3,832.6	3,742.5	−90.1
Base operations			(−9.0)
CINC Readiness Fund			(−7.0)
Foreign currency revaluation			(−40.0)
Real property maintenance			(−9.9)
Contracting-out studies			(−1.0)
Morale, welfare and recreation			(+4.0)
Deferral of air wing activation			(−27.0)
Support of end-strength reductions			(−0.2)
Intelligence and communications	1,417.5	1,419.1	+1.6
Programs 3 (classified program)			(+0.6)
Morale, welfare and recreation			(+1.0)
Airlift and sealift	1,202.2	1,196.3	−5.9
Base operations			(−2.0)
CINC Readiness Fund			(−2.0)
Foreign currency revaluation			(−2.0)
Real property maintenance			(−2.0)
Contracting-out studies			(−0.4)
Morale, welfare and recreation			(+.05)
C-140B replacement			(+3.0)
Deferral of air wing activation			(−1.0)
Central supply and maintenance	6,034.5	5,557.2	−477.3
Fuel cost reestimate			(−259.0)
Base operations			(−2.0)
CINC Readiness Fund			(−12.0)
Real property maintenance			(−2.4)
Contracting-out studies			(−2.0)
Deferral of air wing activation			(−10.0)
Support of end-strength reduction			(−1.0)
Depot maintenance contracting			(−190.0)
Inventory control point			(+0.5)
Procurement operations			(+0.6)
Training, medical and other general personnel activities	1,978.1	1,956.3	−21.8
Base operations			(−2.0)
CINC Readiness Fund			(−5.0)
Contracting-out studies			(−1.0)
Real property maintenance			(−3.0)
Morale, welfare and recreation			(+0.5)
USAF Academy operations			(−2.0)
Professional Development Education			(−1.5)
Recruiting/advertising			(−5.0)
Deferral of air wing activation			(−2.0)
Support of end-strength reduction			(−0.3)
Foreign currency revaluation			(−0.5)
Administration	388.5	388.5	
Support of other nations	6.8	6.8	
Total, Air Force	17,944.7	17,339.5	(−605.2)

Base operations

The fiscal year 1983 request contained $2,338.2 million for Air Force base operation support.

The Senate bill reduced the request by $20 million. The House amendment authorized the amount requested.

The House recedes.

CINC readiness fund

The Defense Agencies operation and maintenance request contained $100 million in authorization for the Joint Chiefs of Staff Commanders-In-Chief Readiness Fund. The Senate bill would transfer $30 million from the Air Force operation and maintenance request to fund that account.

The House amendment contained no such transfer.

The House recedes.

B-52D

The fiscal year 1983 request did not contain an authorization for the B-52D.

The Senate bill contained an authorization of $20 million to maintain enhanced readiness of one of three wings of B-52D's to be retired.

The House amendment did not contain any authorization for this purpose.

The conferees agreed to an increase of $2 million, and that the objective of retaining the ability to rapidly reactivate one squadron of B-52D's can be accomplished through retaining one of the three squadrons in inviolate storage.

The conferees recognized the value of a comprehensive study and evaluation of the use of B-52D's in force projection and maritime missions and authorized $2 million for such effort.

Titan

The fiscal year 1983 request contained $19.0 million for the operation and maintenance of the Titan II intercontinental ballistic missile system.

The Senate bill provided an increase of $6.2 million. The House amendment authorized the amount requested.

The Senate recedes.

Intelligence and communications/classified programs

The fiscal year 1983 request contained $916.9 million for intelligence and communications and classified programs.

The Senate bill contained a reduction of $.6 million.

The House amendment authorized the amount requested.

The House recedes.

Support to end strength reduction

The Senate bill included a reduction of $8 million as a pro-rata cost for personnel support corresponding to end strength reductions.

The House amendment provided the amount requested.

The conferees agreed that there would be a reduction of $1.5 million.

Morale, welfare and recreation

The fiscal year 1983 request contained $322.4 million for morale, welfare and recreation.

The House amendment authorized an increase of $10 million for this purpose.

The Senate bill authorized the amount requested.

The Senate recedes.

C-140B replacement

The request for lease of aircraft in fiscal year 1983 to replace C-140B aircraft was $9.0 million. The Senate supported the request and the House added $3.0 million to accelerate retirement of the C-140B.

Because of importance of the mission to be performed, the conferees agree that the replacement aircraft selected by the Air Force should be safe and dependable. In addition, the conferees agree that in deciding on the type of fleet of replacement aircraft, of either one or more types, the Air Force should conduct a spirited and open competition that does not preclude either option. The decision should be based on, among other things, total life-cycle costs and overall ability of each fleet type to meet mission requirements.

The Senate recedes.

Eastern Missile Test Range

The Senate bill contained $94 million for the operation and maintenance of this test range. The House amendment did not.

The House recedes.

Western Missile Test Range

The Senate bill included $57.1 million, the amount requested for the operation and maintenance of this test range. The House amendment deleted the $57.1 million.

The House recedes.

Inventory control point

The Senate bill contained $411.2 million the amount requested, associated with the Air Force inventory control point operation, including management of consumable supply items. The House amendment provided an increase of $.5 million.

The Senate recedes.

Procurement operations

The request contained $152.8 million for procurement functions including consumable supply items. The Senate bill authorized the amendment requested. The House amendment added $.6 million.

The Senate recedes.

USAF Academy operations

The Senate bill provided $29.3 million for USAF Academy operation and maintenance for fiscal year 1983, an increase of $3.4 million over fiscal year 1982. The House amendment denied $2 million of the requested increase.

The Senate recedes.

Professional Development Education

The Senate bill authorized a $3 million increase in Professional Development Education. The House amendment authorized $1.5 million of the increase.

The Senate recedes.

Deferral of air wing activation

Subsequent to the submission of the fiscal year 1983 request, the Department of Defense identified $40 million in possible reductions associated with the deferral of the activation of an air wing.

The Senate bill authorized the amount requested. The House amendment reduced the authorization by $40 million.

The Senate recedes.

Although the conferees concluded that current budget restrictions would require the Air Force to defer previously planned growth in force structure, they also agreed that the Air Force should retain the flexibility to distribute this reduction in a manner consistent with evolving priorities.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

[Amounts in millions of dollars]

Budget activity	Administration fiscal year 1983 request	Conference recommendation	Net change from request
General purpose forces	343.9	343.9	0.0
Intelligence and communications	1,932.7	1,901.5	−31.2
Intelligence programs			(−19.1)
Foreign currency revaluation			(−0.6)
Contracting out studies			(−0.3)
Civilians			(−11.2)
Central supply and maintenance	1,389.0	1,392.9	+3.9
Foreign currency revaluation			(−1.6)
Contracting out studies			(−0.4)
Fuel cost reestimate			(−0.2)
Civilians			(−8.9)
Real property maintenance			(+15.0)
Training, medical and other general support activities	1,733.3	1,703.9	−29.4
Foreign currency revaluation			(−9.4)
CHAMPUS			(−20.0)
Contracting out studies			(−0.3)
Civilians			(−4.7)
Real property maintenance			(+5.0)
Administration	356.5	351.4	−5.1
Contracting out studies			(−0.3)
Civilians			(−4.8)
Total Defense agencies	5,755.4	5,693.6	−61.8

Note: Totals may not add due to rounding.

Civilian personnel and consumable item management

The Senate bill reduced Defense Agencies personnel end strength by 2,600 spaces and $34.7 million. The House amendment reduced the request by $24.5 million, including a specified reduction of 403 personnel spaces and $9.9 million from the Defense Logistics Agency (DLA). The conferees agreed to a total reduction of $29.6 million and, that within the funds authorized, agreed that the DLA may hire additional personnel to manage the proportion of the 200,000 consumable items to be retained by DLA.

The conferees further agreed that management of weapon-system related consumable items should be retained in the service responsible for the parent system; that a certification procedure for service-retained items should be established at the Joint Chiefs' or Joint Logistics Commanders' level; that items to be routinely transferred to the DLA from the services should be screened against existing criteria; and that of the 200,000 items currently being transferred, DLA should retain those eligible for transfer under existing criteria, and management of weapon-system sensitive items should be restored to the services.

Program 3 (Intelligence and Communications)

The request for Program 3 was $1,932.7 million.

The Senate bill contained a reduction of $8.8 million from the request. The House amendment reduced the authorization by $22.8 million.

The conferees agreed to a reduction of $19.1 million from the request.

Recruiting/Advertising

The total request for joint recruiting and advertising was $21.0 million. The Senate bill contained the amount requested. The House amendment reduced the amount by $2.5 million.

The House recedes.

CHAMPUS

The Senate bill contained $1,080 million, the amount requested, for the CHAMPUS program. The House amendment reduced the CHAMPUS program by $20 million.

The Senate recedes.

OPERATION AND MAINTENANCE, ARMY RESERVE

[Amounts in millions of dollars]

Budget activity	Administration fiscal year 1983 request	Conference recommendation	Net change from request
Mission forces	423.6	433.3	+9.7
Fuel cost reestimate			(−0.6)
Readiness training for tactical intelligence			(+0.3)
Stock funded unit equipment			(+9.0)
CAPSTONE training			(+1.0)
Depot maintenance	7.7	7.7	0.0
Other support	255.0	263.8	+8.8
Fuel cost reestimate			(−0.3)
Automated pay/attendance			(+1.0)
Real property maintenance			(+7.4)
Minor construction			(+0.7)
Total, Army Reserve	686.4	704.9	+18.5

Tactical intelligence training

The fiscal year 1983 request contained $0.4 million for tactical intelligence training. The Senate bill authorized $0.716 million—an increase of $0.316 million. The House amendment authorized $0.7 million.

The Senate recedes.

Testing the automated pay system

The fiscal year 1983 request contained $0.8 million for testing of the automated pay system. The Senate bill authorized $1.795 million—an increase of $0.995 million. The House amendment authorized $1.8 million.

The Senate recedes.

CAPSTONE training

The fiscal year 1983 request contained $0.6 million for CAPSTONE training. The Senate bill authorized $1.593 million—an increase of $0.993 million. The House amendment authorized the amount requested.

The House recedes.

Stock funded unit equipment

The fiscal year 1983 request contained $150.4 million for stock funded unit equipment. The Senate bill authorized the amount requested. The House amendment authorized $160.4 million

The conferees authorized $159.4 million—an increase of $9 million.

Minor construction

The fiscal year 1983 request contained $3.1 million for minor construction. The Senate bill authorized the amount requested. The House amendment authorized $3.8 million—a $0.7 million increase.

The Senate recedes.

OPERATION AND MAINTENANCE, NAVY RESERVE

[Amounts in millions of dollars]

Budget activity	Administration fiscal year 1983 request	Conference recommendation	Net change from request
Mission forces	398.3	398.3	0.0
Depot maintenance	103.8	112.5	+8.7
Installation of aircraft modifications			(+8.7)
Other support	150.9	160.9	+10.0
Real property maintenance			(+10.0)
Total, Naval Reserve	653.0	671.7	+18.7

Installation of aircraft modifications

The fiscal year 1983 request contained $5.9 million for the installation of aircraft modifications. The Senate bill authorized $14.6 million—an increase of $8.7 million. The House amendment authorized the amount requested.

The House recedes.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

[Amounts in millions of dollars]

Budget activity	Administration fiscal year 1983 request	Conference recommendation	Net change from request
Mission forces	24.7	27.4	+2.7
Organizational equipment and consumable supplies			(+1.7)
Mobilization deployment airlift support			(+0.2)
Individual equipment			(+0.3)
Transportation of equipment			(+0.2)
Contracting airlift support			(+0.3)
Depot maintenance	1.5	1.5	0.0
Other support	22.2	22.2	0.0
Total, Marine Corps Reserve	48.4	51.1	+2.7

Organization equipment and consumable supplies

The fiscal year 1983 request contained $17.1 million for organizational equipment and consumable supplies. The Senate bill authorized the amount requested. The House amendment authorized $18.8 million—an increase of $1.7 million.

The Senate recedes.

Mobile deployment airlift support

The fiscal year 1983 request contained $1 million for mobile deployment airlift support. The Senate bill authorized the amount requested. The House amendment authorized $1.2 million—an increase of $0.2 million.

The Senate recedes.

Individual equipment

The fiscal year 1983 request contained $1.2 million for individual equipment. The Senate bill authorized the amount requested. The House amendment authorized $1.5 million—an increase of $0.3 million.

The Senate recedes.

Transportation of equipment

The fiscal year 1983 request contained $1.1 million for the transportation of equipment. The Senate bill authorized the amount requested. The House amendment authorized $1.3 million—an increase of $0.2 million.

The Senate recedes.

Contracting airlift support

The fiscal year 1983 request contained no funding for contracting airlift support. The Senate bill contained no such authorization. The House amendment authorized $0.3 million.

The Senate recedes.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

[Amounts in millions of dollars]

Budget activity	Administration's fiscal year 1983 request	Conference recommendation	Net change from request
Mission forces	543.3	543.3	0.0
Depot Maintenance	101.4	101.4	0.0
Other support	121.6	121.6	0.0
Total, Air Force Reserve	766.3	766.3	0.0

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

[Amounts in millions of dollars]

Budget activity	Administration's fiscal year 1983 request	Conference recommendation	Net change from request
Training operations	184.3	192.2	+7.9
Real property maintenance			(+4.8)
Minor construction			(+2.5)
Security guard support			(+0.6)
Logistical support	852.2	887.3	+35.1
Fuel cost reestimate			(−2.7)
Chemical defense equipment			(+10.0)
Cold weather clothing and equipment			(+10.0)
Camouflage systems			(+4.1)
Real property maintenance			(+3.9)
Repair parts			(+2.8)
Minor construction			(+2.0)
Security guard support			(+2.0)
Medical equipment			(+3.0)
Headquarters and command support	79.3	79.3	0
Medical support	8.0	8.0	0
Total, Army National Guard	1,123.9	1,166.9	+43.0

Chemical defense equipment

The fiscal year 1983 request contained $13 million for chemical defense equipment. The Senate bill authorized $33 million. The House amendment authorized $15.5 million.

The conferees agreed to an authorization of $23 million—a $10 million increase.

Medical equipment

The fiscal year 1983 request contained $5.8 million for medical equipment. The Senate bill authorized $8.8 million. The House amendment contained no such authorization.

The House recedes.

Cold weather clothing and equipment

The fiscal year 1983 request contained $30.2 million for cold weather clothing and equipment. The Senate bill authorized $50.2 million. The House amendment authorized $34.2 million.

The conferees agreed to an authorization of $40.2 million—an increase of $10 million.

Minor construction

The fiscal year 1983 request contained $6 million for minor construction. The Senate bill authorized the amount requested. The House amendment authorized $10.5 million—an increase of $4.5 million.

The Senate recedes.

Security guard support

The fiscal year 1983 request contained $5.5 million for security guard support. The Senate bill authorized the amount requested. The House amendment authorized $8.1 million—a $2.6 million increase.

The Senate recedes.

Camouflage screens

The fiscal year 1983 request contained $1.9 million for camouflage screens. The Senate bill authorized the amount requested. The House amendment authorized $6.0 million—an increase of $4.1 million.

The Senate recedes.

Repair parts

The fiscal year 1983 request contained $113.1 million for repair parts. The Senate bill authorized the amount requested. The House amendment authorized $115.9 million—an increase of $2.8 million.

The Senate recedes.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

[Amounts in million of dollars]

Budget activity	Administration fiscal year 1983 request	Conference recommendation	Net change from request
Operation of aircraft	530.6	530.6	(0.0)
Logistical support	289.6	306.8	(+17.2)
Real property maintenance			(+6.0)
Cold weather equipment			(+8.2)
Chemical defense equipment			(+3.0)
Training support	937.9	937.9	(0.0)
Servicewide support	3.7	3.7	(0.0)
Total, Air National Guard	1,761.8	1,779.0	+17.2

OPERATION AND MAINTENANCE

AIR NATIONAL GUARD

Cold weather equipment

The Senate bill provided $8.2 million for an unfunded requirement for the cold weather equipment. The House amendment contained no such authorization.

The House recedes.

Chemical defense equipment

The Senate bill provided $3 million for an unfunded requirement for chemical defense equipment. The House amendment contained no such authorization.

The House recedes.

OTHER BUDGET ACTIVITIES

Budget activity	Administration fiscal year 1983 request	Conference recommendation	Net change from request
National Board for the Promotion of Rifle Practice	0.9	0.9	(0.0)
Claims, Defense	172.5	172.5	(0.0)
Court of Military Appeals	3.2	3.2	(0.0)

OTHER PROVISIONS

Operation and maintenance accounts (sec. 301)

Section 301 of the Senate bill would authorize funds for operation and maintenance purposes separately by service (Army,

Navy, Marine Corps, Air Force, Defense Agencies and other activities). Section 301 of the House amendment would authorize funds for operation and maintenance purposes by major account title (Army, Navy, Marine Corps, Air Force, Defense Agencies, Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, Army National Guard, Air National Guard, National Board for the Promotion of Rifle Practice—Army, Claims—Defense, Court of Military Appeals—Defense) specifically by budget activity within account titles.

The conferees agreed to authorize funds for Department of Defense operation and maintenance purposes by major account title, with tables and exhibits accompanying the statement of managers subdividing major account authorizations by budget activity. In the event that this constitutes insufficient authorization guidance, the conferees agreed that appropriate corrective action would be considered including authorization of the fiscal year 1984 Department of Defense operation and maintenance request by major account title and budget activity.

Navy ship overhauls (sec. 302)

Section 302 of the Senate bill would establish an authorization ceiling of $2,756.0 million for Navy ship overhauls. The House amendment contained no similar provision.

The House recedes.

Restriction on long-term leases for naval vessels (sec. 303)

Section 303 of the House amendment would prohibit the Navy from entering into contracts for the long-term leasing of naval vessels if such lease contains substantial termination liability unless and until the Secretary of the Navy notified the Armed Services Committees and Appropriations Committees of the Senate and House of Representatives and thirty days have elapsed since receipt of notification. Section 303 would further provide that such notification shall include a description of the lease and justification for leasing rather than purchasing such vessel or vessels. However, this section would not apply to a ship being leased by the Navy as of September 30, 1982.

The Senate bill contained no similar provision.

The Senate recedes.

T-5 replacement tanker program (sec. 304)

Section 304 of the House amendment would prohibit expenditure of Navy operation and maintenance funding authorized by this Act associated with the leasing of any vessel under the T-5 replacement tanker program that has a main propulsion system of other major components not built in the United States.

The Senate bill contained no similar provision.

The conferees recognize the importance of the T-5 replacement tanker program and oppose any restriction that would disrupt the ongoing source selection. However, the conferees agreed to prohibit the expenditure of operation and maintenance funding authorized in this conference report associated with the leasing of any additional T-5 replacement vessels under requests for proposal circulated after July 1, 1982.

The Senate recedes with amendment.

Limitation on studies of contracting out of commercial and industrial type functions (sec. 305)

The House amendment contained a provision (sec. 306) that would limit the obligation or expenditure of operation and maintenance funds in fiscal year 1983 for commencing a study after September 30, 1982, for contracting out a commercial or industrial type function of the Department of Defense that is being performed by Department of Defense personnel on September 30, 1982. The provision also limits $567,600,000 in operation and maintenance funds to be available only for salaries or other related costs of direct-hire civilian employees in excess of the 947,000 direct-hire employees contained in the fiscal year 1983 Administration request.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

The conferees agreed to prohibit the use of funds for commencing studies on contracting out prior to April 1, 1983—a six-month limitation on commencing such studies. The six-month limitation on commencing studies would not apply to Department of Defense activities performed by government personnel involving custodial services, laundry and dry cleaning services, refuse collection, grounds maintenance (such as lawnmowing, etc.), food service and preparation (excluding military commissary operations), and base transportation services (excluding vehicle maintenance). During the six-month period when studies may not be commenced. The limitation would not prohibit government activities from determining the most efficient and cost effective organization for performance of the function and associated work in anticipation of formal studies of contracting out the function.

The limitation on funds would also not prevent the renewal or award to a lower bidder of a contract in effect on the date of enactment of the bill. The conferees also agreed to limit the availability of $283,800,000 to salaries or other related costs of civilian employees in excess of the 947,000 direct-hire civilian employee level contained in the fiscal year 1983 Administration request.

The contracting out program. The Senate conferees agreed to support language in the Senate version of H.R. 6317—the military pay bill. That language would be similar, with one exception, to language in section 401 of H.R. 6317 as reported by the House Committee on Armed Services. That one exception involves the provision in H.R. 6317 dealing with the allocation of the costs of the cost comparison process to ensure the allocation takes into account the length of the contract. The language agreed upon could not be included in the conference report but will be considered in the respective pay bills.

The conferees also agreed to consider language in the pay bill prohibiting the Secretary of Defense from administering a civilian personnel ceiling imposed by the Office of Management and Budget, although there is no agreement concerning support for such language.

Stationing of E-4 national emergency airborne command post aircraft

Section 302 of the Senate bill provided that none of the funds appropriated by this conference report could be obligated or expended for stationing of E-4 Emergency Airborne Command Post aircraft or its associated maintenance and logistical support at Andrews Air Force Base, Camp Springs, Maryland unless the President provides written certification to the Congress that the continued deployment of the aircraft at Andrews Air Force Base is essential to the national security of the United States.

The House amendment contained no similar provision.

The conferees were advised that the Administration is presently undertaking a study that addresses the coordination and organization of government during a crisis, including the role of the E-4 Airborne Command Post aircraft. Accordingly, the conferees agreed to delete the provision of the Senate bill and, instead, require the President to advise the Congress, in writing, prior to submission of the fiscal year 1984 Department of Defense request for authorization of the desirability of locating the alert E-4 aircraft and its ancillary equipment farther inland than Andrews Air Force Base.

The Senate recedes.

Restriction on the purchase of coal for military bases in Europe

Section 305 of the House amendment would prohibit expenditure of the Department of Defense operation and maintenance funding authorized by this Act to purchase U.S.-mined coal or coke for use at U.S. military installations in Europe.

The Senate bill contained no similar provision.

The House recedes.

TITLE IV—ACTIVE FORCES

Active duty military strengths for the Army, Navy, Marine Corps, and Air Force in the Senate bill and the House amendment differed by a total of 21,100. The conference agreement, which was 17,600 below the Administration request, is summarized in the following table:

	House	Senate	Conference
Army	783,800	778,600	782,500
Navy	564,200	555,800	560,300
Marine Corps	194,600	193,300	194,600
Air Force	595,700	589,500	592,000
Total	2,138,300	2,117,200	2,130,000

The conference agreement for the Army involved a reduction of 1,300 from the request. The conferees agreed that the Army should have the discretion to implement this reduction in the manner considered most appropriate.

Authority to exceed end strengths (Sec. 402)

The House amendment contained a provision (sec. 401(b)) that would permit the Secretary of Defense to exceed the authorized end strength for each of the active components by not more than one-half of one percent for each component when he considers such an increase in the national interest. The authority provided would have been effective only in fiscal years 1982 and 1983.

The Senate bill contained a similar provision (sec. 402) that would provide permanent authority for the Secretary to exceed the end strengths if the increase is needed to maintain a stable personnel force.

The House recedes with an amendment authorizing such increases when the Secretary determines the increases to be in the national interest.

Saving provision for certain accrued leave (Sec. 404)

The Senate bill contained a provision (sec. 404) that would authorize members of the Armed Forces who were previously authorized to accumulate 90 days of leave during fiscal year 1980 and who lost any leave at the end of fiscal year 1981 to be recredited with such lost leave until the end of fiscal year 1982.

The House amendment contained no similar provision.

The House recedes.

TITLE V—RESERVE FORCES

The average strength for the Coast Guard Reserve in the Senate bill and the House amendment differed by a total of 1,300. There was no disagreement on the average strength for any other reserve component.

The conference agreement, which was 1,300 above the Administration request, is summarized in the following table.

	House	Senate	Conference
Army National Guard	407,400	407,400	407,400
Army Reserve	258,700	258,700	258,700
Naval Reserve	105,500	105,500	105,500
Marine Corps Reserve	38,300	38,300	38,300
Air National Guard	101,100	101,100	101,100
Air Force Reserve	66,000	66,000	66,000
Coast Guard Reserve	12,000	10,700	12,000
Total	989,000	987,700	989,000

Increase in grades for full-time manning (Sec. 503)

The House amendment contained a provision (sec. 503) that would permit an increase in the number of personnel authorized in certain grades for personnel on active duty in support of the reserve components. The increase, authorized for fiscal year 1983 only, would be commensurate with the increase in the total number of personnel authorized to be on active duty in support of the reserve components.

The Senate bill contained a provision (sec. 503) that was identical to the House provision except that the increase would be permanent.

The House recedes.

TITLE VI—CIVILIAN PERSONNEL

The Department of Defense requested an end strength of 1,035,500 for civilian personnel.

The Senate bill would authorize an end strength for the Department of Defense totaling 1,024,400.

The House amendment would authorize a department-wide end strength of 1,050,060.

The conferees agreed to provide an overall Department of Defense authorization for civilian personnel of 1,050,060.

The conference agreement encompasses the following elements. For the Army, the Senate bill reduced the level requested to replace borrowed military manpower by 8,400; the House amendment reduced the level by 1,000. The conferees agreed to increase the level authorized for the Army by 5,900 over the level in the Senate bill. All of these spaces are to be used for the borrowed military manpower program. However, 1,500 of the spaces may be used only for the hiring of dependents of military personnel in overseas areas. For the Navy, the conferees agreed to add 3,000 spaces to the level requested for the Navy to permit the performance of commissary activities by in-house personnel. For Defense agencies, the Senate bill proposed a reduction of 2,600 from the request; the House amendment proposed a reduction of 1,000. The conferees agreed to a reduction of 1,300 for civilian personnel in Defense agencies.

The conferees also adjusted the request by 15,460 spaces to add back most of those spaces withdrawn in advance from the budget in anticipation of contracting out. This increase is an accounting adjustment and entails no additional cost because funds were requested for the performance of the functions that will be studied whether performed by government personnel or private contractors.

The House amendment proposed a reduction of 440 personnel who would be used as new administrators in the contracting out program. The Senate bill contained no similar provision. The House recedes.

The conferees are aware that the Office of Management and Budget has prevented the Army from using 3,000 of the increase approved by the Congress for fiscal year 1982. The increase provided by the Congress was requested by the Administration last year and approved by the Congress after being substantiated by testimony from Department of Defense witnesses.

The conferees are concerned about the undermining of clearly-expressed congressional intent. If this practice continues, future legislation will be drafted in a form to preclude flexibility on the part of the executive branch on these matters.

The conferees again direct the Secretary of Defense to discontinue the practice of reducing civilian personnel authorization requests in anticipation of unspecified conversions to performance by private contractors. If this direction is not complied with, the Congress will seriously consider placing such restrictions in the law next year.

Accounting for overseas dependent employees (Sec. 601(c))

The House amendment contained a provision (sec. 601(c)) that would permit the Department of Defense to account for overseas dependent employees on a pro rata basis if they are part-time personnel.

At the present, the Part-Time Career Employment Act of 1978 permits Federal agencies to count part-time personnel on a proportional basis in an effort to expand job opportunities for personnel wishing to work part-time. That Act does not apply to overseas areas.

The House amendment would permit overseas dependents to be counted in the same manner as is the case within the United States.

The Senate bill contained no similar provision.

The Senate recedes.

TITLE VII—MILITARY TRAINING STUDENT LOADS

One-year extension of reduction in number of students required to maintain a Junior Reserve Officers' Training Corps unit (Sec. 702)

The House amendment contained a provision (Sec. 702) that would extend until August 31, 1983, the provision that permits a Junior Reserve Officers' Training Corps (JROTC) unit to be maintained with a minimum enrollment of 100 students or 10 percent of the students enrolled at the institution who are at least 14 years of age, whichever is less.

The Senate bill contained no similar provision.

The Senate recedes.

TITLE VIII—CIVIL DEFENSE

The Senate bill contained a provision (sec. 801) that would provide $144.53 million for civil defense. The House amendment (sec. 801) authorized $252.34 million as requested by the Administration and distributed the authorization among three civil defense appropriation accounts. The conferees agreed to authorize $152.34 million.

The Senate bill (sec. 802) would permanently increase the appropriations ceiling for emergency management assistance contributions that may be provided to the states for personnel and administrative expenses associated with civil defense from $47 million to $50 million. The House amendment (sec. 802) would increase the ceiling during fiscal year 1983 to $60 million. The Senate recedes.

The House amendment (sec. 803) would redesignate the Federal Emergency Management Agency (FEMA) as the Civil Disaster Agency. The Senate bill contained no similar language. House conferees receded after it was agreed that the Armed Services Committees of the Senate and the House of Representatives will hold hearings on the question of renaming FEMA to the Civil Disaster Agency.

TITLE IX—SUPPLEMENTAL AUTHORIZATIONS FOR FISCAL YEAR 1982

The budget request contained supplemental authorizations totaling $1,451.8 million for fiscal year 1982 as follows:

$263.4 million for naval vessels;

$219.1 million for Air Force aircraft;

$126 million for Army tracked combat vehicles;

$57 million for research, development, test, and evalution for the Air Force;

$365.2 million for the operation and maintenance for the Army, Army Reserve and Army National Guard;

$254.6 million for the operation and maintenance for the Navy, Naval Reserve and Marine Corps;

$105.3 million for the operation and maintenance for the Air Force, Air Force Reserve and Air National Guard; and

$61.2 million for the operation and maintenance for the Defense agencies and Defense-wide activities.

The budget request would also increase the end strength authorization for the Army for fiscal year 1982 to 784,400.

The Senate bill in title IX recommended supplemental authorizations totaling $830.5 million for fiscal year 1982 as follows:

$263.4 million for naval vessels;

$219.1 million for Air Force aircraft;

$5.3 million for Air Force missiles;

$16.4 million for research, development, test, and evaluation for the Air Force;

$90.2 million for the operation and maintenance for the Army, Army Reserve and Army National Guard;

$164.6 million for the operation and maintenance for the Navy, Naval Reserve and Marine Corps;

$30.3 million for the operation and maintenance for the Air Force, Air Force Reserve and Air National Guard; and

$41.2 million for the operation and maintenance for the Defense agencies and Defense-wide activities.

The Senate bill would also increase the end strength authorization for the Army for fiscal year 1982 to 784,400.

The House amendment contained no comparable provision.

The conferees agreed to supplemental authorizations totaling $182.4 million for fiscal year 1982 as follows:

$120 million for Air Force aircraft;

$6.6 million for the operation and maintenance for the Army, Army Reserve and Army National Guard;

$5 million for the operation and maintenance for the Navy, Naval Reserve and Marine Corps.

$25 million for the operation and maintenance for the Air Force, Air Force Reserve and Air National Guard; and

$25.8 million for the operation and maintenance for the Defense agencies and Defense-wide activities.

The conferees also agreed to an end strength authorization for the Army for fiscal year 1982 of 782,500.

The conferees agreed that the reduction in the request for naval vessels was without prejudice.

The House recedes with an amendment.

In addition to supplemental authorization for fiscal year 1982, the conferees agreed to approve certain transfers of existing 1982 authorization. The approval of transfers in this statement of managers is in lieu of individual reprogramming actions. The transfers approved are:

$23.5 million to Operations and Maintenance, Army, to be derived by transfer of $5.7 million from Missile Procurement, Army; $6.3 million from Weapons and Tracked Combat Vehicles Army; $10 million from Other Procurement, Army; and $1.5 million from Ammunition.

$117.4 million to Operations and Maintenance, Navy, to be derived by transfer of $19.6 million from Research, Development, Test, and Evaluation, Navy; $71.1 million from Aircraft Procurement, Navy; $7.5 million from Weapons Procurement, Navy; and $19.2 million from Other Procurement, Navy.

$2 million to Operations and Maintenance, Marine Corps, to be derived by transfer from Procurement, Marine Corps.

TITLE X—FORMER SPOUSES' PROTECTION

The House amendment contained provisions (sec. 901-907) that would provide certain rights and benefits for the former spouse of a member of a uniformed service. The Senate bill contained no similar provisions, however, the Senate Committee on Armed Services had reported a bill on July 14, 1982, with similar provisions (S. 1814).

General description

The House amendment would permit disposable military retired pay to be considered as property in divorce settlements under certain specified conditions. This provision in the House amendment would have the effect of reversing the decision of the United States Supreme Court in the case of *McCarty* v. *McCarty*, 453 U.S. 210 (1981), which held that a court could not order a division of non-disability retired pay as part of a distribution of community property incident to a divorce proceeding.

The House amendment would also permit the former spouse to receive court-awarded payments directly from the military finance center without having to resort to periodic garnishment proceedings. Direct payments could be made out of military retired pay for court-awarded alimony, child support, and division of property.

The House amendment contained several provisions that would place restrictions on the division of retired pay. Under the House amendment, military retired pay could only be considered property if the marriage lasted at least 10 years while the service member was performing creditable service. Further, the amendment specified that courts could not treat military retired pay as property unless the court has jurisdiction over the member by reason of the member's residence in the state other than because of military orders, domicile (legal residence) in the state, marriage in that state, or consent to the court's jurisdiction. In addition, the House amendment provided that payments for alimony and division of retired pay would terminate if the former spouse remarried before age 60. Finally, the House amendment would require that court orders presented to the service Secretaries for the purpose of direct payments to the former spouse certify that the court had complied with the provisions of the Soldiers' and Sailors' Civil Relief Act.

The amendment also would authorize the service Secretaries to pay to a former spouse a portion of disposable military retired pay to satisfy a court order garnishing retired pay for non-payment of property settlements other than retired pay. This provision would have the effect of expanding existing garnishment procedures in section 459 of the Social Security Act (42 U.S.C. 659) as they apply to military retired pay to include garnishment for non-payment of property settlements unrelated to division of retired pay.

The House amendment contained a provision that would authorize care in military medical facilities or under the Civilian Health and Medical Program for the Uniformed Services (CHAMPUS) for unremarried former spouses who had been married to the member for at least 20 years while the member was performing creditable service. The coverage provided would be the same as the coverage for retirees, dependents of retirees and survivors. The benefit would only be available during periods when the former spouse was not covered by another health benefit plan as a result of his or her employment.

The House amendment would also direct the Secretary of Defense to prescribe regulations authorizing commissary and exchange benefits for the unremarried former spouse who had been married to the member for at least 20 years while the member was performing creditable service.

The House amendment would authorize coverage for a former spouse under the insurable interest provisions of the Survivor Benefit Plan if the service member voluntarily elected to provide that coverage.

The House amendment would apply to court orders finalized before the McCarty decision, but not to subsequent modifications thereto which have the effect of implementing the holding in the McCarty decision (for example, divesting a former spouse of a previously awarded right to a portion of a member's retired pay) or which, based on the enactment of the new title X, effected a first-time division of retired pay. It would also apply to court orders finalized on or after the McCarty decision as well as to subsequent modifications. The provisions related to medical care and eligibility for commissary and exchange privileges would only apply to former spouses divorced after the effective date of the changes.

Finally, the House amendment contained a provision (sec. 907) that would provide that nothing in title IX of the House amendment would overrule or require the modification of any state law or court decision in any state that treats marital property as community property.

The Senate recedes with amendments.

The conferees agreed to remove the restriction that would require 10 years of marriage before military retired pay could be considered property by the courts. The conferees further agreed, however, that direct payments by the service finance centers to a former spouse from the member's retired pay based on a division of that retired pay as property would be limited to situations in which the former spouse was married to the member for at least 10 years while the member performed military service. The 10-year restriction would not apply to direct payments based on the award of child support or alimony.

Currently, there is no Federal enforcement mechanism for court-ordered property division of military retired pay available to former spouses of military personnel. The conferees agreed to a Federal enforcement provision as described above; however, jurisdiction of the courts to consider military retired pay when fixing the property rights between the parties to a divorce, dissolution, legal separation or annulment would not be affected by the 10-year marriage requirement.

The conferees agreed to retain the 10-year requirement as a part of the enforcement procedures after due deliberation but remain uncertain about the potential impact of restricting Federal enforcement remedies based upon duration of marriage. Specifically, there is insufficient evidence on the retention impact. Therefore, the conferees expect the Armed Services Committees of the Senate and the House of Representatives to monitor closely whether the 10-year restriction on enforcement might become a disincentive for men and women deciding whether to reenlist for a third tour of duty. The conferees believe that there is insufficient evidence to evaluate the contention that returning to the states the authority to divide military retired pay would have a detrimental impact on retention. Continued oversight of the impact of the 10-year provision will better enable the Armed Services Committees to determine whether a duration of marriage rule of any length promotes military manpower goals or whether future legislative modifications may be required.

The conferees agreed to delete the provision in the House amendment that would terminate payments for alimony or a division of retired pay to a former spouse if the former spouse remarried before age 60.

The conferees also agreed that courts could not treat retired pay as property unless the court has jurisdiction over the member by reason of the member's residence in the state other than because of military orders, domicile in the state or consent to the court's jurisdiction.

Finally, in view of the other changes recommended by the conferees, the conferees agreed to delete section 907 of the House amendment.

The conferees adopted the provision contained in the House amendment, related to the application of the new title X to court orders finalized before the McCarty decision. Although the conference report contains no prohibition against courts reopening decisions before that date, the conferees agreed that changes to court orders finalized before the McCarty decision should not be recognized if those changes were effected after the McCarty decision (and before the effective date of the new title X) to implement the holding in that decision (for example, a modification setting aside a pre-McCarty division of military retired pay).

In additions, the conferees intend this provision to preclude recognition of changes to court orders finalized before the McCarty decision if those changes are effected after the McCarty decision and as a direct result of the enactment of the new title X of this conference report. In other words, the courts should not favorably consider applications based on the enactment of this title to reopen cases finalized before the McCarty decision wherein military retired pay was not divided.

Other provisions

With certain exceptions the provisions adopted by the conferees are similar to the provisions of S. 1814 as reported by the Senate Armed Services Committee (S. Rept 97-502). For the purpose of describing these similar provisions, the section-by-section analysis (p. 12-28) in the Senate report is referred to.

Limited medical coverage for deserving former spouses

The conferees recognize that, because the medical care provision is prospective, certain deserving former spouses whose divorces occurred prior to the effective date will not be eligible to receive medical care even though they may suffer from illinesses or diseases that were incurred during a period of the member's military service. For example, one case was brought to the attention of the conferees in which a former spouse was unable to obtain private sector medical insurance because she suffered from a chronic disease contracted while she accompanied her husband on a tour of military duty in the Philippines.

In situations such as these, particularly those in which it can be determined that the illness or disease was caused or aggravated by conditions associated with the member's military service, the conferees strongly encourage the Secretary of Defense and the Secretaries of the Military Departments to use the discretionary authority provided by title 10, United States Code, to judiciously authorize space available medical care in uniformed services medical treatment facilities. In making this recommendation, the conferees expect the Secretaries to limit this special medical designee status to certain deserving former spouses where the marriage lasted for at least 20 years during which the member served in the uniformed services. As with the medical care authorized in this bill, the conferees do not envision exercising this Secretarial authority if the former spouse is enrolled in or covered by a medical insurance program.

TITLE XI—GENERAL PROVISIONS

Transfer authority (sec. 1101)

The House amendment contained a provision (sec. 1001) that would permit the transfer of an authorization made available in the fiscal year 1983 Defense Authorization Act to any other authorization made available in the Act only upon determination by the Secretary of Defense that such a transfer were in the national interest. The authority to transfer could only be used to provide authorization for higher priority items than the items from which authorization was transferred and could not be used to provide authorization for an item that was denied authorization by the Congress. The Secretary of Defense would be required to promptly notify the Congress of transfers. The total amount of transfers would be limited to $1.5 billion.

The Senate bill contained no similar provision.

The conferees believe that this provision is necessary to permit efficient operations of the Department of Defense.

The obligation or expenditure of funds by the Department of Defense for procurement, research and development or operation and maintenance is prohibited by law (section 138 of title 10, United States Code) unless such funds have been previously authorized. Transfer authority would permit the Secretary of Defense to act promptly to continue the efficient conduct of activities authorized by this Act without obtaining prior legislative authorization.

Under agreements that have evolved over the years, the Secretary of Defense has consulted with the Committees on Armed Services and Appropriations of the Senate and House of Representatives about realignments of defense programs subsequent to the enactment of authorization and appropriation. This process, known as reprogramming, has worked well. The conferees direct the Secretary of Defense to use the transfer authority that would be authorized in this section pursuant to the existing procedures governing reprogramming.

The Senate recedes.

Waiver of authorization requirement for certain previously appropriated funds (sec. 1102)

The House amendment contained a provision (sec. 1007) that would waive the provisions of section 138(a) of title 10, United States Code (which requires that funds may not be obligated or expended by the Armed Forces for certain purposes unless such funds have been specifically authorized by law), with respect to the obligation or expenditure of funds appropriated for fiscal year 1982 before the date of enactment of this Act for the following purposes:

procurement of aircraft for the Army;

procurement of aircraft for the Air Force;

procurement of missiles for the Air Force; and

operation and maintenance for Defense-wide activities.

The Senate bill contained no similar provision.

The Senate recedes.

The Senate bill in Title X recommended additional authorization for fiscal year 1982 where appropriations exceeded authorization as follows:

$123.6 million for naval vessels;

$137.8 million for Air Force aircraft;

$12 million for Air Force missiles;

$53.969 million for research, development, test, and evaluation for the Navy; and

$73 million for research, development, test, and evaluation for the Air Force.

The House amendment contained no similar provision.

Consistent with the agreement on sec. 1102, the Senate recedes on its original Title X.

Increase in Authorization for Special Defense acquisition Fund (Sec. 1103)

The Senate bill contained a provision (sec. 1101) that would establish a funding ceiling for the Special Defense Acquisition Fund of $900.0 million for fiscal year 1984.

The House amendment contained no similar provision.

The House recedes.

Transfer of Defense Articles (Sec. 1104)

The Senate bill contained a provision (sec. 1102) that would increase the $25.0 million reporting threshold of the fiscal year 1976 Department of Defense Authorization Act for proposal sales or other transfers from Department of Defense inventories or current production of defense articles to make it consistent with the $50.0 million threshold of the Arms Export Control Act.

The House amendment contained no similar provision.

The House recedes.

Reports on technology transfer control policy (sec. 1105)

The Senate bill contained a provision (sec. 1110) that would require the Secretary of Defense to conduct a study of the effectiveness of the technology transfer control policy of the Department of Defense and require that the results of such study be submitted to the Congress no later than December 31, 1982. The report would include the Secretary's recommendations for making improvements to the Department's technology transfer control policy as well as the desirability of establishing a separate office to manage and coordinate such policies within the Department of Defense.

The House amendment contained no similar provision but provided an authorization of $2 million that was to be used by the Office of the Assistant Secretary of Defense (International Security Policy) to carry out the required effort in the area of technology transfer.

The conferees agreed that there is an urgent requirement to address the issue of technology transfer control and accordingly agreed to the provision of the Senate bill together with the $2 million authorization provided by the House amendment. The conferees also agreed to the provision of the Senate bill requiring the Secretary of Defense to submit to the Congress a written report not later than February 15 of each fiscal year, recommending the amount of funds to be appropriated to carry out the technology transfer control policy formulation and related activities of the Department of Defense during the next fiscal year.

The conferees further agreed that should additional funding be required during fiscal year 1983 to carry out this effort, a reprogramming request may be submitted for this purpose.

The House recedes with an amendment.

Limitation on defense funds for space shuttle (Sec. 1106)

The House amendment contained a provision (sec. 1008) that would limit the amount the Department of Defense may be required to pay the National Aeronautics and Space Administration (NASA) for placing DOD payloads in orbit.

The Senate bill contained no similar provisions.

The conferees agreed to the House provision with the understanding that it is not the intention of the conferees to preclude a revision of existing DOD/NASA interagency agreements as they might relate to space shuttle cost sharing arrangements between the DOD and NASA. The conferees intend, however, to insure that such cost sharing arrangements will only be in accordance with laws in effect on July 1, 1982, and interagency agreements negotiated by the DOD and NASA pursuant to such laws.

The Senate recedes with an amendment.

Improved oversight of cost growth in major defense acquisition programs (Sec. 1107)

The Senate bill contained a provision (sec. 1103) that would establish in permanent law a requirement for the unit cost reporting system that was approved in the fiscal year 1982 Defense Authorization Act for a one-year period only.

The House amendment contained a provision (sec. 1003) that would modify the Selected Acquisition Report (SAR) System and requires the Department of Defense to provide on an exception basis contract cost and schedule information for those SAR programs that breached specific cost growth thresholds.

Specifically, section 1003 would require the Secretary of Defense to provide SAR's on those programs that exceed $200 million in RDT&E funds or exceed $1 billion in procurement funding. It would require that

comprehensive SAR's be provided only for the fiscal quarter ending December 31 with abbreviated SAR's being submitted for the three other fiscal quarters when there are changes in cost, performance, or schedule. The provision also would require the program manager to submit reports to the service Secretaries when he has reason to believe that there would be a 15 percent increase in contract cost or a 15 percent slippage in contract schedule. Based on the program manager's reports, the service Secretary would submit a program cost assessment report to the Congress that would contain contract cost and schedule information if he determines that there had been a greater than 15 percent increase in program unit cost. The provision further would require additional reports from the program manager and the service Secretary for every 5 percent increase above the original 15 percent cost growth in contract cost or program unit cost. The provision would permit the Defense Department to submit to the Armed Services Committees of the Senate and House of Representatives a request for waiver of the requirement to report major programs that exceed the SAR reporting thresholds.

The Senate recedes with an amendment that incorporates many of the provisions of the House amendment into the unit cost reporting system.

Oversight of defense expenditures (Sec. 1108)

The House amendment contained a provision (sec. 1004) that would require a report by the Secretary of Defense on the adequacy of the civilian personnel strength requested in the fiscal year 1984 budget of the Defense Contract Audit Agency, Defense Audit Service and the Defense Criminal Investigative Service, and information concerning the savings in defense expenditures achieved by them in fiscal year 1982.

The Senate bill contained no similar provision.

The Senate recedes.

Continuation of test program to authorize price differential to relieve economic dislocations (Sec. 1109)

The Senate bill contained a provision (sec. 1132) that would continue a one-year test program that allows a limited price differential to be paid for the purpose of relieving economic dislocations on contracts entered into by the Defense Logistics Agency except for fuel purchases. The test program is an exception to section 2392 of title 10, United States Code, commonly referred to as the Maybank amendment, which prohibits the use of funds appropriated to or for the use of the Department of Defense, in connection with any contract awarded by the Department of Defense, to pay a price differential for the purpose of paying higher prices on contracts in areas of high unemployment (labor surplus areas).

Under the test program, the aforementioned prohibition would not apply to contracts, other than contracts for fuel purchases, entered into by the Defense Logistics Agency during fiscal year 1983 if the Secretary of Defense were to make certain determinations. The Secretary would be required to determine that such contract would not adversely affect national security; that there would be a reasonable expectation that bids would be received from a sufficient number of responsible bidders so that the award of such contract would be made at reasonable cost to the United States; that the price differential to be paid under such contract would not exceed 1½ percent; and that the cumulative value of all contracts awarded under this exception would not exceed $3 billion.

The Senate provision also directed the President to submit a report to Congress by April 15, 1983, on the implementation and results of the test program.

The House amendment contained a similar provision (sec. 1002) that would continue a test program; however, the price differential to be paid under the contract could not exceed 3 percent and the cumulative value of all contracts awarded under this exception could not exceed $5 billion.

The conferees agreed that the price differential to be paid under a contract could not exceed 2.2 percent and the cumulative value of all contracts awarded under this exception could not exceed $4 billion.

The conferees intend that the price differential to be paid under a contract awarded as the result of solicitations issued before the date of enactment of the Department of Defense Authorization Act for fiscal year 1983 or October 1, 1982, whichever is later, may not exceed five percent.

The Senate recedes with an amendment.

Prohibition against consolidating functions of the military transportation commands (Sec. 1110)

The Senate bill contained a provision (sec. 1107) that would prohibit the consolidation of the functions of the Military Sealift Command, the Military Traffic Management Command, and the Military Airlift Command and would require a report from the Secretary of Defense on the management and cost issues associated with consolidation of the commands.

The House amendment contained no similar provision.

The conferees agreed that the functions of the Military Sealift Command and the Military Traffic Management Command should not be consolidated into a Unified Command at this time and suggest that this is an area appropriate for legislative consideration.

The conferees further agreed that the Armed Services Committees of the Senate and the House of Representatives will hold hearings on mobilization enhancement. The Secretary of Defense is encouraged to submit legislative proposals for the purpose of enhancing the peacetime and wartime operations of transportation commands.

Furthermore, the conferees observed that the Secretary of Defense should take necessary measures to improve the communication and information systems that interact between the transportation commands.

The House recedes with an amendment.

Prohibition regarding contracts for the performance of firefighting and security functions (Sec. 1111)

The Senate bill contained a provision (sec. 1116) that would prohibit the obligation or expenditure of funds in this or any other act for entering into a contract for the performance of firefighting or security guard functions at a military installation, except for the renewal of contracts in effect on the date of enactment.

The House amendment contained a similar provision (sec. 1014) that would be limited to fiscal year 1983.

The Senate recedes.

Modification of reports on conversion of commercial and industrial-type functions to private contractors (Sec. 1112)

The Senate bill contained a provision (sec. 1113) that would exempt functions performed entirely by military personnel or by fewer than 50 Department of Defense civilian personnel from the notification and detailed cost comparison requirements contained in section 502 of the Department of Defense Authorization Act, 1981 (Public Law 96-342). The committee report contained language directing that simplified cost comparisons be conducted on these smaller functions to ensure that cost data are fully considered in decisions on commercial activities. The Senate provision would also suspend the requirements of section 502 entirely during war or during a period of national emergency.

The House amendment contained no similar provision.

The House recedes with an amendment exempting those activities with 10 or less employees from the formal requirements of section 502. The conferees intend that the Senate committee report directing that simplified cost comparisons be prepared and cost data be fully considered be adhered to.

Enforcement of Military Selective Service Act (Sec. 1113)

The Senate bill contained a provision (sec. 1121) that would deny eductional assistance under Title IV of the Higher Eduction Act of 1965 to young men who fail to register under section 3 of the Military Selective Service Act. The Senate provision would place primary responsibility for verification of certifications of registration with the Secretary of Education.

The House amendment contained a similar provision (sec. 1010) that would require, as a condition for receipt of any grant, loan, or work assistance under Title IV of the Higher Education Act of 1965, the individual to file a statement of compliance with the registration provisions of section 3 of the Military Selective Service Act. The Secretary of Education, in consultation with the Director of Selective Service, would prescribe the methods for verifying the accuracy of such statements of compliance.

The Senate recedes with an amendment to ensure due process to an individual who has complied but whose compliance may not be immediately verifiable.

The conferees strongly urge that such regulations and procedures necessary to implement this provision minimize the administrative burden on colleges and universities and the delays in processing aid applications and awards.

Military recruiting information (Sec. 1114)

The Senate bill contained a provision (sec. 1114) that would authorize the Secretary of Defense to collect specific, limited high school directory information for use on a confidential basis in military recruiting. In addition, the Senate provision would authorize the service Secretaries to request from state and local governments certain criminal history information about individuals who apply for enlistment in the armed forces or for participation in programs that require a determination of trustworthiness.

The House amendment contained no similar provision.

The House recedes with an amendment to clarify that the Secretary of Defense is authorized to request high school directory information but that such a request implies no compulsion and that compliance with the request by local school boards and principals is completely voluntary on their part.

Active duty for training of persons enlisting in a reserve component of the Armed Forces (Sec. 1115)

The Senate bill contained a provision (sec. 1123) that would extend the period of time allowed between enlistment and the beginning of initial active duty for training from 180 to 270 days for reserve and national guard personnel. In addition, the Senate bill would permit the initial 12-week basic training requirement to be satisfied in the equivalent of 12 weeks, as prescribed by the service Secretary.

The House amendment contained no similar provision.

The House recedes on the increase in the time allowed between enlistment and initial training from 180 to 270 days.

The Senate recedes on a change to the 12-week basic training requirement.

Temporary increase in number of Navy officers that may serve in the grade of vice admiral (Sec. 1116)

Current law authorizes the Navy 15 percent of its total number of flag officers (officers in the grade of commodore and above) in the grades of vice admiral and admiral. Of this number, 25 percent may be in the grade of admiral. Currently the Navy is authorized 37 spaces for admirals and vice admirals. Of this total, 28 spaces are filled with vice admirals.

The Senate bill contained a provision (sec. 1112) that would authorize the Navy 17.5 percent of its total number of flag officers in the grade of vice admiral and admiral.

The House amendment contained no similar provision.

The conferees agreed to authorize 3 additional spaces for the grade of vice admiral during fiscal year 1983. This would provide a total authorization of 31 spaces for the grade of vice admiral.

The House recedes with an amendment.

Department of Defense Office of Inspector General (Sec. 1117)

The Senate bill contained a provision (sec. 1122) that would amend the Inspector General Act of 1978 (Title 5, United States Code, Appendix I (Public Law 95-452)) to provide for an Inspector General in the Department of Defense under the authority, direction and control of the Secretary of Defense. The Senate provision placed no control over the delegation of the Secretary's authority. The Senate provision would also authorize the Secretary to prohibit certain activities of the Inspector General whenever the Secretary found such prohibition necessary for purposes of preserving national security interests. If, however, such authority were exercised, the Secretary and the Inspector General would be required to report to the Congress. The Senate bill would transfer to the Office of Inspector General the Defense Audit Service and that portion of the Defense Investigative Service assigned responsibility for investigating criminal violations. In addition, the Senate bill would transfer the responsibility for post-award audits, together with not less than 1400 positions, from the Defense Contract Audit Agency to the Office of Inspector General. In addition to the responsibilities and authorities of the Inspector General enumerated in the Inspector General Act of 1978, the Senate bill contained a number of additional provisions with respect to the Inspector General of the Department of Defense.

The House amendment contained a provision (sec. 1011) that would amend the Inspector General Act of 1978 to provide for an Inspector General in the Department of Defense under the general supervision of the Secretary of Defense. The authority of the Secretary to supervise could be delegated only to the officer next in rank. The Secretary would not have authority to intervene in or to prohibit activities of the Inspector General. As under the provision in the Senate bill, the Defense Audit Service and that portion of the Defense Investigative Service with responsibility for investigating alleged criminal violations would be transferred to the Office of the Inspector General. In addition, the House provision would transfer to the Office of Inspector General the Office of Inspector General of the Defense Logistics Agency. The House amendment would not transfer any functions of the Defense Contract Audit Agency to the Inspector General but would require the Inspector General to submit within one year a recommendation to the Secretary of Defense and to the Congress addressing whether the Defense Contract Audit Agency should be transferred to the Office of Inspector General. The House amendment further provides that nothing in the amendment should be construed to authorize the withholding of information from the Congress or its committees.

Both the House and Senate provisions would prohibit the appointment of a member of the Armed Forces, active or reserve, as Inspector General of the Department of Defense. Both the Senate bill and the House amendment contained language that would prohibit the public disclosure of information that is specifically prohibited from disclosure by law or specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

The conferees agreed to provide an Inspector General for the Department of Defense appointed by the President and confirmed by the Senate. The Inspector General would work under the general supervision of the Secretary of Defense. The authority of the Secretary to supervise could be delegated only to the officer next in rank. With respect to audits or investigations that require information concerning sensitive operational plans, intelligence matters, counter-intelligence matters, ongoing criminal investigations of other administrative units of the Department of Defense related to national security, or other matters the disclosure of which would constitute a serious threat to national security, the conferees believe the Inspector General should be under the authority, direction and control of the Secretary of Defense. The Secretary could prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpenas, with respect to the above-mentioned matters when the Secretary determines such prohibition is necessary to preserve the national security interests of the United States. The Secretary and the Inspector General would be required to report to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives and to other appropriate committees and subcommittees of the Congress should the Secretary exercise his authority established by the amendment.

In addition to the transfers contained in both the House and Senate provisions, the conferees agreed that the Office of Inspector General of the Defense Logistics Agency, should be transferred to the Office of Inspector General of the Department of Defense. The conferees agreed not to transfer any functions from the Defense Contract Audit Agency, however. Instead, the conferees agreed to direct the Secretary of Defense to transfer not less than 100 additional positions to the Office of Inspector General to be filled by the Inspector General with persons trained to perform contract audits. The conferees believe that it is essential that the new Inspector General develop a significant capability in the highly technical area of contract audit. The conferees do not intend that these auditors advise Department of Defense contracting officers in the process of negotiating contracts, a function that the Defense Contract Audit Agency auditors perform. The conferees envision the contract audit capability in the Office of Inspector General to be used (1) to provide the manpower and technical expertise to oversee effectively and review the work of the Defense Contract Audit Agency, and (2) to provide the Inspector General flexibility and resources in situations where he deems it necessary or appropriate to look at entire procurements—the performance of defense contractors as well as the performance of defense personnel.

The conferees also agreed to impose duties and responsibilities on the Inspector General of the Department of Defense in addition to those contained in the 1978 Inspector General Act, including the following:

The Inspector General of the Department of Defense would—

(1) be the principal adviser to the Secretary of Defense for matters relating to the prevention and detection of fraud, waste, and abuse in the programs and operations of the department;

(2) initiate, conduct, and supervise such audits and investigations in the Department of Defense (including the military departments) that the Inspector General deems appropriate;

(3) provide policy direction for audits and investigations relating to fraud, waste, and abuse and program effectiveness:

(4) investigate fraud, waste, and abuse uncovered as a result of other contract and internal audits, as the Inspector General deems appropriate;

(5) develop policy, monitor and evaluate program performance, and provide guidance with respect to all department activities relating to criminal investigation programs;

(6) monitor and evaluate the adherence of department auditors to internal audit, contract audit, and internal review principles, policies and procedures;

(7) develop policy, evaluate program performance, and monitor actions taken by all components of the department in response to contract audits, internal audits, internal review reports, and audits conducted by the Comptroller General of the United States;

(8) request assistance as needed from other audit, inspection, and investigative units of the Department of Defense (including military departments); and

(9) give particular regard to the activities of the internal audit, inspection, and investigative units of the military departments with a view toward avoid duplication and insuring effective coordination and cooperation.

The conferees also agreed to amend section 8 of the Inspector General Act of 1978 to require the Inspector General to report to the Secretary of Defense, or the Secretary of the military department concerned,

any alleged or suspected violations of the Uniform Code of Military Justice.

In addition the conferees agreed that members of the Armed Forces should be treated as employees of the Department of Defense with respect to the provisions of section 7 of the Inspector General Act of 1978, that the semi-annual report of the Inspector General of the Department of Defense should include information regarding the numbers and types of contract audits conducted by the department during the reporting period, that any report required by sections 5(a) and 5(d) of the Inspector General Act of 1978 should be transmitted to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives, and that nothing in the provisions recommended would prevent the disclosure of information to the Congress.

The conferees also agreed to amend section 5315 of title 5, United States Code, by adding the Inspector General, Department of Defense, to the Level IV Executive Schedule.

Extension of period for transfer of Defense Dependents' Education System to Department of Education (Sec. 1118)

The Senate bill contained a provision (Sec. 1117) that would repeal the transfer of the Department of Defense Dependents' School system from the Department of Defense to the Department of Education. This transfer is currently scheduled to take place in May 1983 under the terms of the Department of Education Organization Act.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the scheduled transfer date for one year until May 1984.

Open enrollment period for reserves under the survivor benefit plan (sec. 1119)

The Senate bill contained a provision (sec. 1124) that would provide a 12-month open enrollment period to elect coverage in the Survivor Benefit Plan for reservists who before December 1, 1980, had completed sufficient service to be entitled to retirement benefits under the reserve retirement program, chapter 67 of title 10, United States Code, but who were not yet age 60.

The House amendment contained no similar provision. A similar open enrollment period is included, however, in H.R. 6317, the Uniformed Services Pay Act of 1982, as reported from the House Armed Services Committee on May 17, 1982.

The House recedes with a technical amendment.

Report on allied contributions to the common defense (sec. 1120)

The Senate bill contained a provision (sec. 1108) that would express the sense of Congress that the NATO allies and Japan should increase their contributions to the common defense to levels more commensurate with their economic resources. It requires a report from the Secretary of Defense on allied contributions to the common defense.

The House amendment contained no similar provision.

The House recedes with an amendment to extend the existing report for one year.

Report on standardization of NATO weapons (sec. 1121)

The Senate bill contained a provision (sec. 1111) that expands the annual report on standardization and interoperability of NATO weapons and equipment to identify existing and planned development and procurement programs by one NATO member from systems originally developed or procured by another.

The House amendment contained no similar provision.

The House recedes.

NATO defense industrial cooperation (sec. 1122)

Section 1126 of the Senate bill would express the sense of Congress that the U.S. President should propose at the NATO summit meeting in June 1982 that the NATO allies agree to (1) more effectively pool their defense efforts, (2) establish a cooperative defense-industrial effort to reduce otherwise necessary defense costs, (3) share more equitably and efficiently the financial burdens and economic benefits of NATO defense, and (4) begin negotiations promptly to give full effect to these agreements.

The House amendment contained no similar provision.

The House recedes with an amendment.

Study of improved control of use of nuclear weapons (sec. 1123)

The Senate bill contained a provision (sec. 1137) directing the Secretary of Defense to conduct a study and evaluation of initiatives for improving the containment and control of the use of nuclear weapons. The Senate provision further provides that a report on such study and evaluation shall be provided to the Committees on Armed Services and Foreign Relations of the Senate and the House of Representatives by August 1, 1982. The Senate provision also directs the President to report to the Committees on Armed Services and Foreign Relations of the Senate and the House of Representatives on September 1, 1982, on the merits of initiatives developed to control nuclear weapons and on the status of any such initiatives as they may be related to any arms control negotiations with the Soviet Union.

The conferees agreed that the study and reports required by the Senate provision could be useful to the Congress. However, the reporting dates contained in Section 1137 of the Senate bill do not allow sufficient time to make a thorough study or to prepare reports.

The House amendment contained no similar provision.

The conferees recommend technical amendments to the Senate provision that require the Secretary of Defense to report to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House by February 1, 1983, and the President to submit a report on March 1, 1983.

The House recedes with an amendment.

Negotiations for banning of chemical weapons (sec. 1124)

One of the most controversial aspects of the Administration's fiscal year 1983 budget request was the inclusion of $54 million for procurement of long-lead items in support of production of binary chemical munitions. This request was accompanied by a certification by the President that the "production of lethal binary chemical munitions is essential to the national interest."

The Senate approved the recommendation. The House, however, voted to ban production of binary weapons in fiscal year 1983.

The Senate conferees regard the initiation of binary munitions production as vital to the national security. The unilateral cessation of chemical weapons production thirteen years ago has resulted in an increasingly obsolescent U.S. stockpile and raises questions about the deterrent value of America's retaliatory chemical inventory, the Senate conferees stated. Evidence of Soviet and Soviet proxy use of chemical and biological munitions in Southwest and Southeast Asia and the USSR's intransigence in negotiating comprehensive, verifiable bans on chemical weaponary raise the specter of a willingness and ability on the part of the Soviet Union to make use of such weapons when it suits its purposes to do so. The Senate conferees believe that America's determination to maintain a safe, effective, and credible retaliatory chemical arsenal—comprised of modern binary munitions—is the best hope for deterring chemical war and for inducing the USSR to agree to terms that will lead to a total and verifiable chemical disarmament accord.

However, the House managers were adamant and the conferees agreed to eliminate the funding for production this year *without prejudice.*

The House conferees receded on a provision (section 111 of the House amendment) to ban such production.

The Senate receded on section 1135 of its bill which would have placed certain restrictions on the amounts of new binary chemical munitions that could be introduced into the chemical munitions stockpile.

In related action, the conferees agreed to a Senate provision (section 1141 of the Senate bill) in lieu of a similar House provision (section 112 of the House amendment) that would express the sense of the Congress in support of the initiation of arms control negotiations aimed at achieving a total, verifiable ban on all chemical weapons. The Senate receded on section 1134 of the Senate bill that would call for amending the convention on Bacteriological and Toxin Weapons to establish verification standards and procedures.

Cooperative military airlift agreements (Sec. 1125)

The Senate bill contained a provision (sec. 1115) that would expand the authority of the Secretary of Defense to enter into cooperative airlift agreements with the United States allies that are not geographically constrained to Europe and adjacent waters and that include allies other than NATO members.

The House amendment contained no similar provision.

The House recedes.

Purchase of foreign made administrative motor vehicles (sec. 1126)

The Senate bill contained a provision (sec. 1105) that would repeal section 783 of the fiscal year 1982 Department of Defense Appropriations Act which placed specific restrictions on the procurement of administrative motor vehicles manufactured outside the United States or Canada.

The House amendment contained no similar provision with respect to repealing section 783 of the fiscal year 1982 DOD Appropriations Act. However, the House amendment contained a provision (sec. 1012) that would allow a service Secretary to award a contract over $50,000 for administrative motor vehicles that are to be used outside the United States or Canada only to the lowest responsible bidder from the U.S. or the host nation. The Senate bill contained no similar provision.

The House recedes to the Senate with an amendment regarding section 1105.

The Senate recedes to the House with an amendment regarding section 1012. Both amended provisions are incorporated in section 1126 of the conference report.

Prior notification to Congress on foreign sole-source procurements (sec. 1128)

The House amendment contained a provision (sec. 1009) that would require that none of the funds authorized to be appropriated in this Act could be used for a prime contract for the purchase of a major article of defense equipment essential to the national defense from a foreign manufacturer if such a procurement would make the U.S. dependent on that manufacturer as a sole source unless the Secretary of Defense first notified the Committees on Armed Services and Appropriations of the Senate and House of Representatives of a planned procurement and 30 days elapsed from receipt of such notice.

The Senate bill contained no similar provision.

The conferees agreed that it would be worthwhile for the Congress to be informed of a procurement that would make the United States dependent on a foreign manufacturer for essential equipment and, therefore, agreed on a modification of the provision to provide for the notification as specified without the requirement for the 30 day delay in procurement.

The term "a major article of equipment essential to the national defense" shall apply to major systems as designated by the Secretary of Defense.

The Senate recedes with an amendment.

Purchase of chemical warfare protective clothing and items containing specialty metals from foreign sources (sec. 1129)

The Senate bill contained a provision (sec. 1106) that would amend section 723 of fiscal year 1982 Appropriations Act to allow the Department of Defense to buy foreign-made specialty metals or chemical warfare protective clothing for the purpose of offsetting U.S. sales overseas or furthering NATO rationalization, standardization and interoperability.

The House amendment contained no similar provision.

The House recedes.

Recognition of guard and reserve forces (sec. 1130)

The Senate bill contained a provision (sec. 1127) that would declare the sense of Congress that members of the reserve and national guard deserve public recognition for their important role in national defense and also would urge that employers and supervisors abide by the Veterans' Reemployment Rights Act to ensure that their employees are not penalized in any way for participation in reserve and national guard training exercises.

The House amendment contained no similar provision.

The House recedes.

Settlement of military personnel claim resulting from Iranian hostage crisis (sec. 1132)

The Senate bill contained a provision (sec. 1118) that would provide the Secretary concerned with additional authority to settle claims of up to $55,000 by military personnel for damage to or loss of personal property in a foreign country after December 30, 1978, and before January 22, 1981, the period of the Iranian crisis. In addition, the Senate provision would authorize the Secretary concerned to provide compensation above the amount for loss of property purchased to fulfill representational obligations.

The House amendment contained no similar provision.

The House recedes with an amendment limiting the applicability of the provision to one individual. It would allow Col. Thomas E. Schaefer to recover the full replacement value of property purchased primarily in order to fulfill his representational responsibilities as a military attache in Iran without regard to the table of maximum allowances on the table of depreciation.

Use of certain gifts to the United States Military Academy (sec. 1133)

The House amendment contained a provision (sec. 1018) that would permit the Superintendent of the U.S. Military Academy, under regulations prescribed by the Secretary of the Army, to accept, hold, administer, invest, and spend gifts of $20,000 or less made for the benefit of the Academy.

The Senate bill contained no similar provision.

The Senate recedes.

Designation of Estonia, Latvia, and Lithuania on Defense maps (sec. 1134)

Section 1006 of the House amendment would prohibit the use of funding authorized by this conference report for the preparation, production, or purchase of any map of the Union of Soviet Socialist Republics that does not:

"(1) show the geographic boundaries of Estonia, Latvia, and Lithuania and designate those areas by those names;

"(2) include the designation 'Soviet Occupied' in parenthesis under each of those names; and

"(3) include in close proximity to the area of the Baltic countries the following statement: 'The United States Government does not recognize the incorporation of Estonia, Latvia, and Lithuania into the Soviet Union'."

The Senate bill contained no similar provision.

The Senate recedes.

Requirements relating to the awarding of sole-source contracts

The Senate bill contained a provision (sec. 1104) that would require a 30 day public notice with certain exceptions prior to negotiation of sole-source contracts over $100,000 and an annual report on all sole-source contracts exceeding $100,000.

The House amendment contained no similar provision.

The conferees urge the Department of Defense to extend, by regulation, to 30 days the existing 10-day notice period in the Commerce Business Daily for sole-source contracts over $100,000. The House Committee on Armed Services will promptly complete its hearings on sole-source procurement.

The Senate recedes.

Critical skill needs and supplies

The Senate bill contained a provision (sec. 1109) that would require the Secretary of Defense, in conjunction with the Secretary of Labor, to conduct a study to determine skilled labor needs and the availability of such individuals in the civilian work force for Department of Defense programs through 1987 or in the event of a mobilization.

The House amendment contained no similar provision.

The Senate recedes with regard to language in the bill; however, the conferees agree that the study should be conducted. To that end, the conferees direct the Secretary of Defense, in conjunction with the Secretary of Labor, to conduct a study to determine the level of skilled labor needed and available in the civilian work force to accomplish the programs planned by the Department of Defense for fiscal years 1983 through 1987 and needed and available during a mobilization period. The Secretary shall submit a report on the results of such study, not later than February 15, 1983, to the Committees on Armed Services of the Senate and the House of Representatives. Such report shall include the following:

(1) an analysis of the expected level of the demand for skilled labor in the civilian work force, by type of skill and by regions of the country, to accomplish defense programs during fiscal years 1983 through 1987 and the expected level of the supply of such labor in the civilian work force available to meet such demand during such fiscal years;

(2) an analysis of the expected level of demand for skilled labor in the civilian work force, by skill and by regions of the country, during a mobilization period and of the ability of the present civilian labor work force to meet such a demand; and

(3) recommendations for programs or legislation to effect any improvements in the level of skilled labor in the civilian work force needed to accomplish defense programs during fiscal years 1983 through 1987 or during a mobilization period.

Social security

The Senate bill contained a provision (sec. 1119) that would express the Senate's commitment to ensuring that the social security system is preserved and strengthened and that would declare Congress' intention to await the recommendations of the National Commission on Social Security Reform prior to deciding any major changes in the current program.

The House amendment contained no similar provision. The House conferees pointed out that the provision would be nongermane to this conference report under the Rules of the House of Representatives.

The Senate recedes.

Summit meeting on reducing the risk of nuclear war

The Senate bill contained a provision (sec. 1120) that would express the sense of Congress that the President of the United States should be commended for his desire to meet with the President of the Soviet Union in June of 1982.

The House amendment contained no similar provision.

The Senate recedes.

Extension of student loan repayment for certain officers

The Senate bill contained a provision (sec. 1125) that would expand the authority to repay a portion of any loan made, insured, or guaranteed under part B of the Higher Education Act of 1965, or any loan made under part E of that Act, after October 1, 1975. Under current law, that repayment authority is limited to individuals who enlist in either the active or reserve forces in a military specialty designated by the Secretary of Defense. The Senate bill would extend the repayment authority to reserve and guard officers in grades of O-1 and O-2 who were promoted from enlisted status.

The House amendment contained no similar provision.

The Senate recedes.

Report on maneuver warfare concepts

The Senate bill contained a provision (sec. 1128) that would direct the Secretary of the Army and the Secretary of the Navy to submit a written report explaining the manner in which maneuver warfare concepts are being or have been incorporated into the policies and training of the Army and Marine Corps, respectively. Each such report would be required to indicate the extent to which field manuals and other doctrinal, operational, and training publications reflect such concepts.

The term "maneuver warfare concept" was defined in the provision to mean perceiving or envisioning any armed conflict as time-competitive observation-orientation-decision-action cycles in which the object is to destroy the enemy's cohesion by maintaining a consistently faster cycle.

The House amendment contained no similar provision.

The Senate recedes with regard to language in the bill; however, the conferees request the Secretary of the Army and the Secretary of the Navy to submit a written report as outlined in the provision of the Senate bill to the Committees on Armed Services of the Senate and the House of Representatives by January 1, 1983.

Adjustments in authorization for procurement of aircraft

The Senate bill contained a provision (sec. 1129) that would prohibit the obligation of any funds appropriated pursuant to the fiscal year 1983 Department of Defense Authorization Act or funds appropriated in prior years for reestablishment of production facilities for manufacturing additional C-5 aircraft or for the procurement of any additional C-5 aircraft. The Senate provision would also limit the authorization for Air Force aircraft procurement in fiscal year 1983, authorize $186.1 million for the NATO AWACS program, and authorize $350 million for the procurement of commercial wide-body cargo aircraft through competitive bidding.

Section 1129 of the Senate bill would also authorize the appropriation of an additional $120 million for procurement of aircraft for the Air Force for fiscal year 1982 and would authorize the transfer of $120.9 million authorized and appropriated in prior years for the Civil Reserve Air Fleet enhancement program to procure commercial wide-body aircraft that are available as surplus.

The House amendments contained no similar provision.

The conferees recommend that section 1129 of the Senate bill not be adopted. The conferees direct that the $84.8 million which is authorized and appropriated by law for the Civil Reserve Air Fleet enhancement program be authorized for procurement through competitive bidding of the most cost effective commercial wide-body aircraft that are available as surplus. The aircraft procured with funds under the preceding sentence shall be suitable for military cargo configurations.

The Senate recedes.

Space laser program

The Senate bill contained a provision (sec. 1130) that would require the Secretary of Defense to expend funds as authorized and appropriated for an on-orbit laser weapon system as quickly as the technology would allow and that would require a report to the Congress by December 1, 1982, describing the management and programmatic actions that must be taken to achieve the aforementioned objective. The House amendment contained no similar provision.

The House conferees were strongly opposed to a legislative mandate prescribing the type of laser technology and the schedule of such technology for an on-orbit experiment. It was the judgment of the House conferees that short, rather than long, wavelength technology should be emphasized. The Senate conferees in contrast strongly supported the Administration's proposal for laser technology.

The conferees agreed to support a vigorous technology program in the Defense Advanced Research Projects Agency for both long and short wavelength lasers. A description of the specific actions taken by the conferees is discussed in the Statement of Managers for Title II.

The Senate recedes.

Report on the teaching of military history

The Senate bill contained a provision (sec. 1131) that would direct the Secretary of each military department to conduct a survey of each school and training program under his jurisdication with a view to determining the extent to which, if at all, military history is taught in such school and training program.

The House amendment contained no similar provision.

The Senate recedes with regard to language in the bill; however, the conferees request the Secretary of each military department to submit the results of the survey outlined in the Senate bill to the Committees on Armed Services of the Senate and the House of Representatives by January 1, 1983.

Convention on toxin weapons

The Senate bill contained a provision (sec. 1134) that would call for amending the Convention on Bacteriological and Toxin Weapons to etablish verification standards and procedures for banning these weapons. The House amendment contained no similar provision.

The conferees agreed to drop this provision because of the House conferees concern regarding germaneness. See also the discussion in section 1124 and in the following section.

Binary chemical weapons

In approving the Administration's request to begin production of binary chemical weapons, the Senate included a provision (sec. 1135) that would limit the number of 155 mm artillery shells that could be placed in the chemical weapons stockpile. The House amendment contained no similar provision.

The conferees agreed to drop this provision along with eliminating all authorization for the production of binary chemical weapons.

General Accounting Office assessment of unit cost growth reports

The Senate bill contained a provision (sec. 1138) that would require the Comptroller General to review and analyze reports on unit cost growth in major defense systems submitted to the Congress as a result of the unit cost reporting system established last year.

The House amendment contained no similar provision.

The Senate recedes.

However, the conferees strongly believe that the Comptroller General should be prepared to review and analyze Department of Defense reports on unit cost growth in major defense acquisition programs promptly after these reports are submitted to the Congress. The conferees recognize the importance of an independent assessment of the findings and conclusions contained in these unit cost reports. The Comptroller General can expect to receive direction from the Armed Services Committees of the Senate and the House of Representatives to provide the type of review, analysis and recommendations outlined in section 1138 of the Senate bill.

Unit cohesion initiatives

The Senate bill contained a provision (sec. 1139) that would direct the Secretary of Defense to submit a written report regarding unit cohesion initiatives, if any, that have been taken in each of the armed forces and any such initiatives planned for any of the armed forces for the next five years.

The term "unit cohesion initiatives" was defined in the provision to mean, in the case of any armed force, any plan or program of such armed force to retain its members in the same regiment, company, platoon, or other military unit from the time such members enter such armed force until they are discharged, released, or retired from such armed force.

The House amendment contained no similar provision.

The Senate recedes with regard to language in the bill; however, the conferees request the Secretary of Defense to submit a written report as outlined in the provision of the Senate bill to the Committees on Armed Services of the Senate and the House of Representatives by January 1, 1983.

Plaque honoring service members who died during the attempt to rescue Iranian hostages

The Senate bill contained a provision (sec. 1140) that would express the sense of Congress that the Secretary of the Army should construct and place in Arlington National Cemetery a plaque honoring the eight members of the armed forces who died in the April 25, 1980, attempt to rescue American hostages held in Iran.

The House amendment contained no similar provision.

The Senate recedes; however the conferees agree that the Secretary of the Army should construct and place a plaque in Arlington National Cemetery honoring the eight members of the armed forces who died in the April 25, 1980, attempt to rescue American hostages held in Iran.

Limitation on strategic weapons

The House amendment contained a provision (sec. 1005) that would prohibit the use of funds authorized to be appropriated for procurement, testing, deployment, or operation and maintenance of any strategic nuclear weapon or nuclear weapon system if such actions would contravene existing strategic arms policies of the United States. The provision referred to a statement made by the President on May 31, 1982, to the effect that the United States will refrain from actions that undercut existing strategic arms agreements so long as the Soviet Union shows equal restraint. The limitations imposed by this provision would not apply if the President certified to the Congress that such limitations were not in the supreme national interest of the United States and set forth his reasons for such certification.

The Senate bill contained no similiar provision.

The conferees considered the provisions of section 1005 in the light of the strategic and intermediate-range arms reduction negotiations now in progress. The conferees con-

cluded that a statutory provision based upon a single statement of the President would not add anything to the negotiating position of the United States in attempting to reach agreements on the reduction of nuclear weapons.

The House recedes.

One-year restriction on transfer of naval vessels to foreign countries

The House amendment contained a provision (sec. 1013) that would provide that during the one-year period beginning on the date of enactment of this Act, no naval vessel could be sold, leased, granted, loaned, bartered, transferred, or otherwise disposed of to another nation unless specifically authorized by law.

The Senate bill contained no similar provision.

The conferees agreed that a naval vessel should not be retired from the Naval Reserve force for transfer to a foreign country until a replacement vessel is provided for the vessel being transferred. The conferees further agreed that the Committees on Armed Services of the Senate and the House of Representatives would hold hearings to investigate whether the transfer of naval vessels to foreign nations is in the national security interests of the United States and consistent with the goal of building to a 600 ship Navy.

The House recedes.

Study of foreign language requirement

The House amendment contained a provision (sec. 1016) that would direct the Secretary of Defense to study the feasibility of a two-year requirement for foreign language training for cadets and midshipmen at the service academies and for participants in the Reserve Officer Training Corps programs. The provision also would direct a study of the feasibility and desirability of a bonus for personnel proficient in the foreign language of the country in which they were stationed.

The Senate bill contained no similar provision.

The House recedes with regard to language in the bill; however, the conferees request the Secretary of Defense to conduct the studies outlined in the House amendment and report the findings to the Committees on Armed Services of the Senate and House of Representatives by March 1, 1983.

Limitation on obligation of authorizations

The House amendment contained a provision (sec. 1019) that would place a limitation on the amount of the sum total of authorizations in this Act that may be obligated or expended. Specifically, the section would limit obligation or expenditure to the total amount appropriated pursuant to such authorization or $175,300,000,000 whichever is less.

Under the requirements of the House rules relating to scope, it is not possible to reduce the authorizations in the bill to the sum total $175.3 billion.

In view of that and in view of the adamant opposition of the Senate to a spending limitation that did not include specific direction on authorization by account, the conferees agreed that any further reductions from the authorization permitted under the bill should more appropriately be made, if determined as necessary, in the normal appropriations process.

The House reluctantly recedes.

MELVIN PRICE,
CHARLES E. BENNETT,
SAMUEL STRATTON,
RICHARD C. WHITE,
BILL NICHOLS,
JACK BRINKLEY,
ROBERT H. MOLLOHAN,
DAN DANIEL,
WM. L. DICKINSON,
G. WILLIAM WHITEHURST,
FLOYD SPENCE,
ROBIN BEARD,
MARJORIE S. HOLT,

When difference regarding intelligence-related activities are under consideration:

EDWARD P. BOLAND,
NORMAN Y. MINETA,
J. K. ROBINSON,

Solely for consideration of section 1011 of the House amendment and modifications committed to conference:

JACK BROOKS,
S. H. FOUNTAIN,
DANTE B. FASCELL,
FRANK HORTON,
JOHN N. ERLENBORN
Managers on the Part of the House.

JOHN TOWER,
STROM THURMOND,
BARRY GOLDWATER,
J. WARNER,
GORDON J. HUMPHREY,
BILL COHEN,
ROGER W. JEPSEN,
DAN QUAYLE,
JEREMIAH DENTON,
NICHOLAS F. BRADY,
JOHN C. STENNIS,
HENRY M. JACKSON,
HOWARD W. CANNON,
HARRY F. BYRD, JR.,
SAM NUNN,

For consideration of section 1122 pertaining to the Inspector General section of the bill:

BILL ROTH,
TOM EAGLETON,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 6955

Mr. JONES of Oklahoma submitted the following conference report and statement on the bill (H.R. 6955) to provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, 97th Cong.).

CONFERENCE REPORT (H. REPT. No. 97-750)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6955) to provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, Ninety-seventh Congress), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Omnibus Budget Reconciliation Act of 1982".

TITLE I—AGRICULTURE, FORESTRY, AND RELATED PROGRAMS

Subtitle A—Dairy Price Support Program

SEC. 101. Section 201 of the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981, is amended by—

(1) effective October 1, 1982, striking out everything in subsection (c) after the first sentence and preceding the sentence which begins "Such price support shall be provided";

(2) adding a new subsection (d) as follows:

"(d) Notwithstanding any other provision of law—

"(1)(A) Effective for the period beginning October 1, 1982, and ending September 30, 1984, the price of milk shall be supported at not less than $13.10 per hundredweight of milk containing 3.67 per centum milkfat.

"(B) Effective for the fiscal year beginning October 1, 1984, the price of milk shall be supported at not less than such level that represents the percentage of parity that the Secretary determines $13.10 represented as of October 1, 1983.

"(C) The price of milk shall be supported through the purchase of milk and the products of milk.

"(2) Effective for the period beginning October 1, 1982, and ending September 30, 1985, the Secretary may provide for a deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers to be remitted to the Commodity Credit Corporation to offset a portion of the cost of the milk price support program. Authority for requiring such deductions shall not apply for any fiscal year for which the Secretary estimates that net price support purchases of milk or the products of milk would be less than 5 billion pounds milk equivalent. If at any time during a fiscal year the Secretary should estimate that such net price support purchases during that fiscal year would be less than 5 billion pounds, the authority for requiring such deduction shall not apply for the balance of the year.

"(3)(A) Effective for the period beginning April 1, 1983, and ending September 30, 1985, the Secretary may provide for a deduction of 50 cents per hundredweight, in addition to the deduction referred to in paragraph (2), from the proceeds of sale of all milk marketed commercially by producers to be remitted to the Corporation. The deduction authorized by this subparagraph shall be implemented only if the Secretary establishes a program whereby the funds resulting from such deductions would be refunded in the manner provided in this paragraph to producers who reduce their commercial marketings from such marketings during the base period. For the purpose of this paragraph, the based period shall be the fiscal year beginning October 1, 1981, or at the option of the Secretary, the average of the two fiscal years beginning October 1, 1980. The Secretary may make such adjustments in individual bases under this subparagraph as the Secretary determines necessary to correct for abnormal factors affecting production and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

"(B) Refunds under this paragraph shall be based on reductions in commercial marketings as specified by the Secretary, but the Secretary may not require as a condition for making a refund of the entire amount collected from a producer that the producer reduce marketings in excess of a reduction equivalent to the ratio that the total amount

of surplus milk production, as estimated by the Secretary for the fiscal year, bears to the total milk production estimated for such period. The Secretary may provide for refunds to be made of amounts collected from producers on a pro rata basis taking into consideration the reduction in commercial marketings by the producer from the commercial marketings during the base period.

"(C) The funds remitted to the Corporation as a result of the deductions provided for under this paragraph that are not used in making refunds to producers shall be used to offset the cost of the milk price support program. Authority for making deductions under this paragraph shall not apply for any fiscal year for which the Secretary estimates that net price support purchases of milk or the products of milk would be less than 7.5 billion pounds milk equivalent. If at any time during a fiscal year the Secretary should establish that such net price support purchases during that fiscal year would be less than 7.5 billion pounds, the authority for requiring such deductions shall not apply for the balance of the year.

"(D) The Secretary may provide for refunds to producers on a periodic basis during the year. If, based on total marketings for the year, the Secretary should determine that an overpayment has been made to the producer for the year, the producer shall repay the amount of the overpayment.

"(E) Prior to approving any application for a refund, the Secretary shall require evidence that such reduction in marketings has taken place and that such reduction is a net decrease in marketings of milk and has not been offset by expansion of production in other production facilities in which the person has an interest or by transfer of partial interest in the production facility or by the taking of any other action which is a scheme or device to qualify for payment.

"(4) The funds represented by the deductions referred to in paragraphs (2) and (3) shall be remitted to the Commodity Credit Corporation at such time and such manner as prescribed by the Secretary by each person making payment to a producer for milk purchased from the producer, except that in the case of any producer who markets milk of the producer's own production directly to consumers, such funds shall be remitted to the Corporation by the producer. The funds represented by such reduction shall be considered as included in the payments to a producer of milk for purposes of the minimum price provisions of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

"(5) Each producer who markets milk and each person required to make payment to the Corporation under this subsection shall keep such records and make such reports, in such manner, as the Secretary determines necessary to carry out this subsection. The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this subsection or to determine whether any person subject to the provisions of this subsection has engaged or is engaged or is about to engage in any act or practice that constitutes or will constitute a violation of any provision of this subsection or regulation issued under this subsection. For the purpose of such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence and require the production of any books, papers, and documents that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever such person may be found.

"(6)(A) The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any provision of this subsection or any regulation issued under this subsection. Any such civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action. Nothing in this subsection may be construed as requiring the Secretary to refer to the Attorney General minor violations of this subsection whenever the Secretary believes that the administration and enforcement of this subsection would be adequately served by suitable written notice or warning to any person committing such violation.

"(B) Any person who willfully violates any provision of this subsection or any regulation issued under this subsection, or who willfully fails or refuses to remit any amounts due thereunder shall be liable, in addition to payment of the full amount due plus interest, for a civil penalty (to be assessed by the Secretary) of not more than $1,000 for each such violation which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

"(C) The remedies provided in subparagraphs (A) and (B) shall be in addition to, and not exclusive of, remedies otherwise provided at law or in equity.

"(7) In carrying out this subsection, the Secretary may, on a reimbursable or nonreimbursable basis, as the Secretary deems appropriate, use—

"(A) administrators of Federal milk marketing orders;

"(B) State and county committees established under section 8 of the Soil Conservation and Domestic Allotment Act; or

"(C) administrators of State milk marketing programs.".

Subtitle B—Donation of Dairy Products

SEC. 110. Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, such dairy products may be donated for distribution to needy households in the United States and to meet the needs of persons receiving nutrition assistance under the Older Americans Act of 1965. Such dairy products may also be donated through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, and the Commodity Credit Corporation may pay, with respect to commodities so donated, reprocessing, packaging, transporting, handling, and other charges, including the cost of overseas delivery. In order to assure that any such donations for use outside the United States are coordinated with and complement other United States foreign assistance, such donations shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act.".

Subtitle C—Adjustment Program for the 1983 Crops of Wheat, Feed Grains, Upland Cotton and Rice

ADVANCE DEFICIENCY PAYMENTS

SEC. 120. Effective only for the 1982 through 1985 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by inserting after section 107B (7 U.S.C. 1445b-1) the following new section:

"ADVANCE PAYMENTS

"SEC. 107C. (a)(1) Effective with respect to the 1982 crops of wheat, feed grains, upland cotton, and rice, the Secretary shall make available to producers who participate in an acreage limitation program established for wheat, feed grains, upland cotton, or rice under section 107B(e), 105B(e), 103(g)(9), or 101(i)(5), respectively, advance deficiency payments in accordance with this section (other than subsection (b)) if the Secretary determines that deficiency payments likely will be made under this Act.

"(2) Advance deficiency payments under paragraph (1) shall be made to producers under the following terms and conditions:

"(A) Such payments shall be made as soon as practicable after October 1, 1982.

"(B) Such payments shall be made in an amount determined by multiplying (i) the estimated farm program acreage for the crop, by (ii) the farm program payment yield for the crop, by (iii) 70 per centum of the projected payment rate, as determined by the Secretary. Notwithstanding the preceding sentence, in any case in which a producer has received disaster payments for wheat, feed grains, upland cotton, or rice under section 107(B)(b)(2), 105B(b)(2), 103(g)(4), or 101(i)(3), respectively, the Secretary may make such adjustment in the advance deficiency payments made under this subsection as the Secretary determines appropriate.

"(b)(1) Effective with respect to the 1983 through 1985 crops of wheat, feed grains, upland cotton, and rice, if the Secretary establishes an acreage limitation or acreage set-aside program for a crop of wheat, feed grains, upland cotton, or rice under section 107B(e), 105B(e), 103(g)(9), or 101(b)(5), respectively, and determines that deficiency payments will likely be made for such commodity for such crop, the Secretary—

"(A) for the 1983 crop of such commodity, shall make available, as provided in this section (other than subsection (a)), advance deficiency payments to producers who agree to participate in such program; and

"(B) for the 1984 and 1985 crops of such commodities, may make available, as provided in this section (other than subsection (a)), advance deficiency payments to producers who agree to participate in such program.

"(2) Advance deficiency payments under this subsection shall be made to producers under the following terms and conditions:

"(A) Such payments shall be made available to producers as soon as practicable after the producer files a notice of intention

to participate in such program, but in no case prior to October 1, 1982.

"(B) Such payments shall be made available to producers in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that such amount may not exceed an amount determined by multiplying (i) the estimated farm program acreage for the crop, by (ii) the farm program payment yield for the crop, by (iii) 50 per centum of the projected payment rate, as determined by the Secretary.

"(c) Advance deficiency payments under this section shall be made to producers under the following terms and conditions:

"(1) In any case in which the deficiency payment payable to a producer for a crop, as finally determined by the Secretary under section 107B(b)(1), 105B(b)(1), 103(g)(3), or 101(i)(2), is less than the amount paid to the producer as an advance deficiency payment for the crop under this section, the producer shall refund an amount equal to the difference between the amount advanced and the amount finally determined by the Secretary to be payable to the producers as a deficiency payment for the crop concerned.

"(2) If the Secretary determines under section 107B(b)(1), 105B(b)(1), 103(g)(3), or 101(i)(2) that deficiency payments will not be made available to producers on a crop with respect to which advance deficiency payments already have been made under this section, the producers who received such advance payments shall refund such payments.

"(3) Any refund required under paragraph (1) or (2) shall be due at the end of the marketing year for the crop with respect to which such payments were made.

"(4) If a producer fails to comply with the requirements under the acreage limitation or set-aside program involved (and, in the case of the 1983 crops of wheat, feed grains, and rice, the requirements of the land diversion program involved) after obtaining an advance deficiency payment under this section, the producer shall repay immediately the amount of the advance, plus interest thereon in such amount as the Secretary shall prescribe by regulations.

"(d) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(e) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(f) The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provisions of law.".

1983 WHEAT LOANS

SEC. 121. Section 107B(a) of the Agricultural Act of 1949 (7 U.S.C. 1445b–1(a)) is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this subsection, the Secretary shall make available to producers loans and purchases for the 1983 crop of wheat at not less than $3.65 per bushel.".

1983 WHEAT ACREAGE REDUCTION AND DIVERSION PROGRAMS

SEC. 122. Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b–1(e)) is amended by—

(1) striking out in the first sentence of paragraph (1) "Notwithstanding any other provision of this section, the" and inserting in lieu thereof "Notwithstanding any other provision of law—

"(A) Except as provided in subparagraph (B) of this paragraph, the";

(2) adding at the end of paragraph (1) the following new subparagraph:

"(B) Notwithstanding any previous announcement to the contrary, for the 1983 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 20 per centum, consisting of a reduction of 15 per centum under the acreage limitation program and a reduction of 5 per centum under the diversion program. As a condition of eligibility for loans, purchases, and payments on the 1983 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and diversion program.";

(3) in paragraph (2), inserting immediately after the fifth sentence the following: "Notwithstanding any other provision of this paragraph, the acreage base to be used for the farm under the program for the 1983 crop of wheat shall be the same as the acreage base applicable to the farm under the acreage limitation program for the 1982 crop, adjusted to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base."; and

(4) inserting at the end of paragraph (5) the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1983 crop of wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1983 crop of wheat whose acreage planted to wheat for harvest on the farm is reduced so that it does not exceed the wheat acreage base for the farm less an amount equivalent to 5 per centum of the wheat acreage base in addition to the reduction required under paragraph (2), and the producer devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat acreage base under this paragraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this paragraph. The diversion payment rate shall be established by the Secretary at not less than $3.00 per bushel, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1983 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, but in no case prior to October 1, 1982. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this paragraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

1983 FEED GRAIN LOANS

SEC. 123. Section 105B(a)(1) of the Agricultural Act of 1949 (7 U.S.C. 1444d(a)(1)) is amended by inserting at the end thereof the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall make available to producers loans and purchases for the 1983 crop of corn at not less than $2.65 per bushel.".

1983 FEED GRAIN ACREAGE REDUCTION AND DIVERSION PROGRAMS

SEC. 124. Section 105B(e) of the Agricultural Act of 1949 (7 U.S.C. 1444d(e)) is amended by—

(1) striking out in the first sentence of paragraph (1) "Nothwithstanding any other provision of this section, the" and inserting in lieu thereof "Notwithstanding any other provision of law—

"(A) Except as provided in subparagraph (B) of this paragraph, the";

(2) adding at the end of paragraph (1) the following new subparagraph:

"(B) For the 1983 crop of feed grains, the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) or a set-aside program as described under paragraph (3) and (ii) a diversion program as described under paragraph (5) under which the acreage planted to feed grains for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 15 per centum, consisting of a reduction of 10 per centum under the acreage limitation or set-aside program and a reduction of 5 per centum under the diversion program. As a condition of eligibility for loans, purchases, and payments on the 1983 crop of feed grains, the producers on a farm must comply with the terms and conditions of the combined acreage limitation or set-aside program and diversion program.";

(3) in paragraph (2), inserting immediately after the sixth sentence the following: "Notwithstanding any other provision of this paragraph, the acreage base to be used for the farm under the program for the 1983 crop of feed grains shall be the same as the acreage base applicable to the farm under the acreage limitation program for the 1982 crop, adjusted to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base."; and

(4) inserting at the end of paragraph (5) the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1983 crop of feed grains under which the Secretary shall make crop retirement and conservation payments to any producer of the 1983 crop of feed grains whose acreage planted to feed grains for harvest on the farm is reduced so that it does not exceed the feed grain acreage base for the farm less an amount equivalent to 5 per centum of the feed grain acreage base in addition to the reduction required under paragraph (2) or (3), and the producer devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the feed grain acreage base under this paragraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this subsection. The diversion payment rate shall be established by the Secretary at not less than $1.50 per bushel for corn, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate. The payment rate for grain sorghums, oats, and, if designated by the Secretary, barley shall be such rate as the Secretary determines is fair and reasonable in relation to the rate at which payments are made available for corn. The Secretary shall make not less than 50 per

centum of any payments under this paragraph to producers of the 1983 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, but in no case prior to October 1, 1982. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this paragraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

1983 RICE ACREAGE REDUCTION AND DIVERSION PROGRAMS

SEC. 125. Section 101(i)(5) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(5)) is amended by—

(1) striking out in the first sentence of subparagraph (A) "Nothwithstanding any other provision of this subsection, the" and inserting in lieu thereof "Notwithstanding any other provision of law, except as provided in the third and fourth sentences of this paragraph, the";

(2) inserting immediately after the second sentence of subparagraph (A) the following: "For the 1983 crop of rice, the Secretary shall provide for a combination of (i) an acreage limitation program as described under this subparagraph and (ii) a diversion program as described under subparagraph (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 20 per centum, consisting of a reduction of 15 per centum under the acreage limitation program and a reduction of 5 per centum under the diversion program. As a condition of eligibility for loans, purchases, and payments on the 1983 crop of rice, the producers on a farm must comply with the terms and conditions of the combined acreage limitation and diversion program.";

(3) inserting immediately after the ninth sentence of subparagraph (A) (as amended by paragraph (2) of this section) the following: "Notwithstanding any other provision of this subparagraph, the acreage base to be used for the farm under the program for the 1983 crop of rice shall be the same as the acreage base applicable to the farm under the acreage limitation program for the 1982 crop, adjusted to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base."; and

(4) inserting at the end of subparagraph (B) the following: "Notwithstanding the foregoing provisions of this subparagraph, the Secretary shall implement a land diversion program for the 1983 crop of rice under which the Secretary shall make crop retirement and conservation payments to any producer of the 1983 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to 5 per centum of the rice acreage base in addition to the reduction required under subparagraph (A), and the producer devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under this subparagraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this subparagraph. The diversion payment rate shall be established by the Secretary at not less than $3.00 per hundredweight, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate. The Secretary shall make not less than 50 per centum of any payment under this subparagraph to producers of the 1983 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, but in no case prior to October 1, 1982. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this subparagraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

Subtitle D—Agricultural Export Promotion

SEC. 135. Effective for each of the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985, the Secretary of Agriculture shall use not less than $175,000,000 nor more than $190,000,000 of funds of the Commodity Credit Corporation for export activities authorized to be carried out by the Secretary or by the Commodity Credit Corporation under the provisions of law in effect on the date of enactment of this section, notwithstanding the fact that the activity may not be included in the budget program of the Corporation. The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation. The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary of Agriculture of the Commodity Credit Corporation under any other provision of law.

SUBTITLE E—FOOD STAMP ACT AMENDMENTS OF 1982

SHORT TITLE

SEC. 140. This subtitle may be cited as the "Food Stamp Act Amendments of 1982".

REFERENCES TO THE FOOD STAMP ACT OF 1977

SEC. 141. Except as otherwise specifically provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

HOUSEHOLD DEFINITION

SEC. 142. Section 3(i) (7 U.S.C. 2012(i)) is amended by—

(1) in the first sentence—

(A) inserting ", or siblings," after "children"; and

(B) inserting ", or siblings," after "the parents"; and

(2) inserting after the first sentence the following new sentence: "Notwithstanding clause (1) of the preceding sentence, an individual who lives with others, who is sixty years of age or older, and who is unable to purchase food and prepare meals because such individual suffers, as certified by a licensed physician, from a disability which would be considered a permanent disability under section 221(i) of the Social Security Act (42 U.S.C. 421(i)) or from a severe, permanent, and disabling physical or mental infirmity which is not symptomatic of a disease shall be considered, together with any of the others who is the spouse of such individual, an individual household, without regard to the purchase of food and preparation of meals, if the income (as determined under section 5(d)) of the others, excluding the spouse, does not exceed the poverty line, as described in section 5(c)(1), by more than 65 per centum.".

ROUNDING DOWN

SEC. 143. (a) The second sentence of section 3(o) (7 U.S.C. 2012(o)) (as amended by section 144 of this Act) is amended by—

(1) in clause (1), inserting "(based on the unrounded cost of much diet)" after "adjustments"; and

(2) in clauses (6), (7), and (8), striking out "nearest dollar increment" each place it appears and inserting in lieu thereof "nearest lower dollar increment for each household size".

(b) Section 5(e) (7 U.S.C. 2014(e)) is amended by—

(1) in the second sentence, striking out "nearest $5 increment" each place it appears and inserting in lieu thereof "nearest lower dollar increment"; and

(2) in the proviso of clause (2) of the fourth sentence, striking out "nearest $5 increment" each place it appears and inserting in lieu thereof "nearest lower dollar increment".

(c) The first sentence of section 8(a) (7 U.S.C. 2017(a)) is amended by inserting "lower" after "nearest".

THRIFTY FOOD PLAN ADJUSTMENTS

SEC. 144. The second sentence of section 3(o) (7 U.S.C. 2012(o)) is amended by striking out "(6)" and all that follows through "twelve months ending the preceding June 30" and inserting in lieu thereof the following: "(6) on October 1, 1982, adjust the cost of such diet to reflect changes in the cost of the thrifty food plan for the twenty-one months ending June 30, 1982, reduce the cost of such diet by 1 per centum, and round the result to the nearest dollar increment, (7) on October 1, 1983, and October 1, 1984, adjust the cost of such diet to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30, reduce the cost of such diet by 1 per centum, and round the result to the nearest dollar increment, and (8) on October 1, 1985, and each October 1 thereafter, adjust the cost of such diet to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30 and round the result to the nearest dollar increment".

DISABLED VETERANS AND SURVIVORS

SEC. 145. (a) Section 3 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"(r) 'Elderly or disabled member' means a member of a household who—

"(1) is sixty years of age or older;

"(2) receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

"(3) receives disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq.);

"(4) is a veteran who—

"(A) has a service-connected disability which is rated as total under title 38, United States Code; or

"(B) is considered in need of regular aid and attendance or permanently housebound under such title;

"(5) is a surviving spouse of a veteran and—

"(A) is considered in need of regular aid and attendance or permanently housebound under title 38, United States Code; or

"(B) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent under section

221(i) of the Social Security Act (42 U.S.C. 421(i)); or

"(6) is a child of a veteran and—

"(A) is considered permanently incapable of self-support under section 414 of title 38, United States Code; or

"(B) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, United States Code, and has a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i)).".

(b) The first sentence of section 3(i) (7 U.S.C. 2012(i)) is amended by striking out "sixty" and all that follows through the end of the sentence and inserting in lieu thereof "an elderly or disabled member.".

(c) Section 5(c)(2) (as amended by section 146(a) of this Act) is amended by striking out "a member who is" and all that follows through "(42 U.S.C. 301 et seq.)" and inserting in lieu thereof "an elderly or disabled member".

(d) Section 5(e) (7 U.S.C. 2014(e)) (as amended by section 146(b) of this Act) is amended by—

(1) in the first sentence, striking out "a member who is" and all that follows through "(42 U.S.C. 301 et seq.)" and inserting in lieu thereof "an elderly or disabled member"; and

(2) in the fourth sentence, striking out "a member" and all that follows through "titles I, II, X, XIV, and XVI of the Social Security Act" and inserting in lieu thereof "an elderly or disabled member"; and

(3) in the last sentence—

(A) in the matter preceding subclause (A), striking out "a member" and all that follows through "titles I, II, X, XIV, and XVI of the Social Security Act" and inserting in lieu thereof "an elderly or disabled member"; and

(B) in subclause (A), striking out "household members" and all that follows through "titles I, II, X, XIV, and XVI of the Social Security Act" and inserting in lieu thereof "elderly or disabled members".

(e) The first sentence of section 6(c)(1) (7 U.S.C. 2015(c)(1)) is amended by striking out "sixty" and all that follows through "titles I, II, X, XIV, and XVI of the Social Security Act" and inserting in lieu thereof "elderly or disabled members".

INCOME STANDARDS OF ELIGIBILITY

SEC. 146. (a) Subsection (c) of section 5 (7 U.S.C. 2014(c)) is amended to read as follows:

"(c) The income standards of eligibility shall provide that a household shall be ineligible to participate in the food stamp program if—

"(1) the household's income (after the exclusions and deductions provided for in subsections (d) and (e)) exceeds the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively; and

"(2) in the case of a household that does not include a member who is sixty years of age or over or a member who receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq.), the household's income (after the exclusions provided for in subsection (d) but before the deductions provided for in subsection (e)) exceeds such poverty line by more than 30 per centum.

In no event shall the standards of eligibility for the Virgin Islands of the United States or Guam exceed those in the forty-eight contiguous States.".

(b) The first sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by striking out "households described in subsection (c)(1)" and inserting in lieu thereof "households containing a member who is sixty years of age or over or a member who receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq.)".

COORDINATION OF COST-OF-LIVING ADJUSTMENTS

SEC. 147. Section 5(d) (7 U.S.C. 2014(d)) is amended by—

(1) striking out "and" at the end of clause (10); and

(2) adding before the period at the end thereof the following: ", and (12) through September 30 of any fiscal year, any increase in income attributable to a cost-of-living adjustment made on or after July 1 of such fiscal year under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq.), section 3(a)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)(1)), or section 3112 of title 38, United States Code, if the household was certified as eligible to participate in the food stamp program or received an allotment in the month immediately preceding the first month in which the adjustment was effective".

ADJUSTMENT OF DEDUCTIONS

SEC. 148. Section 5(e) (7 U.S.C. 2014(e)) is amended by—

(1) in clause (1) of the second sentence, striking out "July 1, 1983" and inserting in lieu thereof "October 1, 1983"; and

(2) in subclause (i) of the proviso of clause (2) of the fourth sentence, striking out "July 1, 1983" and inserting in lieu thereof "October 1, 1983".

STANDARD UTILITY ALLOWANCES

SEC. 149. (a) Section 5(e) (7 U.S.C. 2014(e)) is amended by inserting after the fourth sentence the following new sentences: "In computing the excess shelter expense deduction under clause (2) of the preceding sentence, a State agency may use a standard utility allowance in accordance with regulations promulgated by the Secretary, except that a State agency may use an allowance which does not fluctuate within a year to reflect seasonal variations. An allowance for a heating or cooling expense may not be used for a household that does not incur a heating or cooling expense, as the case may be, or does incur a heating or cooling expense but is located in a public housing unit which has central utility meters and charges households, with regard to such expense, only for excess utility costs. No such allowance may be used for a household that shares such expense with, and lives with, another individual not participating in the food stamp program, another household participating in the food stamp program, or both, unless the allowance is prorated between the household and the other individual, household, or both.".

(b) Subclause (B) of the last sentence of section 5(e) (7 U.S.C. 2014(e)) is amended by striking out "preceding sentence" and inserting in lieu thereof "fourth sentence of this subsection".

MIGRANT FARMWORKERS

SEC. 150. The last sentence of section 5(f)(4) (7 U.S.C. 2014(f)(4)) is amended by inserting after "subsection" the following: "(except the provisions of paragraph (2)(A))".

FINANCIAL RESOURCES

SEC. 151. The second sentence of section 5(g) (7 U.S.C. 2014(g)) is amended by—

(1) striking out "June 1, 1977" and inserting in lieu thereof "June 1, 1982";

(2) striking out "and" after "vacation purposes,"; and

(3) inserting after "$4,500," the following: "and, regardless of whether there is a penalty for early withdrawal, any savings or retirement accounts (including individual accounts),".

STUDIES

SEC. 152. (a) The second sentence of section 5(g) (7 U.S.C. 2014(g)) is amended by—

(1) striking out "(1)"; and

(2) striking out ", and (2)" and all that follows through the end of the sentence and inserting in lieu thereof a period.

(b) Section 8(a) (7 U.S.C. 2017(a)) is amended by striking out the second sentence.

(c) Subsections (d) and (e) of section 17 (7 U.S.C. 2026 (d) and (e)) are repealed.

CATEGORICAL ELIGIBILITY

SEC. 153. Section 5 (7 U.S.C. 2014) is amended by adding at the end thereof the following new subsection:

"(j) Notwithstanding subsections (a) through (i), a State agency may consider a household in which all members of the household receive benefits under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and whose income does not exceed the applicable income standard of eligibility described in subsection (c)(2) to have satisfied the resource limitations prescribed under subsection (g).".

MONTHLY REPORTING

SEC. 154. The first sentence of section 6(c)(1) (7 U.S.C. 2015(c)(1)) is amended by—

(1) inserting "adult" after "which all"; and

(2) inserting before the period at the end thereof the following: ", except that a State agency may, with the prior approval of the Secretary, select categories of households which may report at specified less frequent intervals upon a showing by the State agency, which is satisfactory to the Secretary, that to require households in such categories to report monthly would result in unwarranted expenditures for administration of this subsection".

PERIODIC REPORT FORMS

SEC. 155. The last sentence of section 6(c)(1) (7 U.S.C. 2015(c)(1)) is amended by striking out ", on a form designed or approved by the Secretary,".

REPORTING REQUIREMENTS

SEC. 156. Section 6(c) (7 U.S.C. 2015(c)) is amended by adding at the end thereof the following new paragraph:

"(5) The Secretary is authorized, upon the request of a State agency, to waive any provisions of this subsection (except the provisions of the first sentence of paragraph (1) which relate to households which are not required to file periodic reports) to the extent necessary to permit the State agency to establish periodic reporting requirements for purposes of this Act which are similar to the periodic reporting requirements established under the State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in that State.".

JOB SEARCH

SEC. 157. Section 6(d)(1)(ii) (7 U.S.C. 2015(d)(1)(ii)) is amended by inserting before the semicolon at the end thereof the following: ", which may include a requirement that, at the option of the State agency, such reporting and inquiry commence at the time of application".

VOLUNTARILY QUITTING A JOB

SEC. 158. (a) The proviso of section 6(d)(1)(iii) (7 U.S.C. 2015(d)(1)(iii)) is amended by striking out "sixty days from the time of the voluntary quit" and inserting in lieu thereof "ninety days".

(b) Section 6(d)(1) (7 U.S.C. 2015(d)(1)) is amended by adding at the end thereof the following new sentence: "An employee of the Federal Government, or of a State or political subdivision of a State, who engaged in a strike against the Federal Government, a State or political subdivision of a State and is dismissed from his job because of his participation in the strike shall be considered to have voluntarily quit such job without good cause.".

PARENTS AND CARETAKERS OF CHILDREN

SEC. 159. Clause (C) of section 6(d)(2) (7 U.S.C. 2015(d)(2)(C)) is repealed.

JOINT EMPLOYMENT REGULATIONS

SEC. 160. Paragraph (3) of section 6(d) (7 U.S.C. 2015(d)(3)) is repealed.

COLLEGE STUDENTS

SEC. 161. Section 6(e) (7 U.S.C. 2015(e)) is amended by striking out "or (B)" and all that follows through "or (C)" and inserting in lieu thereof "; (B) is not a parent with responsibility for the care of a dependent child under age six; (C) is not a parent with responsibility for the care of a dependent child above the age of five and under the age of twelve for whom adequate child care is not available; (D) is not receiving aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or (E)".

ALTERNATIVE ISSUANCE SYSTEM

SEC. 162. Section 7 (7 U.S.C. 2016) is amended by adding at the end thereof the following new subsection:

"(g)(1) If the Secretary determines, in consultation with the Inspector General of the Department of Agriculture, that it would improve the integrity of the food stamp program, the Secretary may require a State agency—

"(A) to issue or deliver coupons using alternative methods, including an automatic data processing and information retrieval system; or

"(B) to issue, in lieu of coupons, reusable documents to be used as part of an automatic data processing and information retrieval system and to be presented by, and returned to, recipients at retail food stores for the purpose of purchasing food.

"(2) The cost of documents or systems that may be required pursuant to this subsection may not be imposed upon a retail food store participating in the food stamp program.".

INITIAL ALLOTMENTS

SEC. 163. (a) The first sentence of section 8(c) (7 U.S.C. 2017(c)) is amended by inserting before the period at the end thereof the following: ", except that no allotment may be issued to a household for the initial month or period if the value of the allotment which such household would otherwise be eligible to receive under this subsection is less than $10".

(b) Clause (2) of the last sentence of section 8(c) (7 U.S.C. 2017(c)) is amended by striking out "of more than thirty days".

NONCOMPLIANCE WITH OTHER PROGRAMS

SEC. 164. Section 8 (7 U.S.C. 2017) is amended by adding at the end thereof the following new subsection:

"(d) A household against which a penalty has been imposed for an intentional failure to comply with a Federal, State, or local law relating to welfare or a public assistance program may not, for the duration of the penalty, receive an increased allotment as the result of a decrease in the household's income (as determined under sections 5(d) and 5(e)) to the extent that the decrease is the result of such penalty.".

HOUSE-TO-HOUSE TRADE ROUTES

SEC. 165. Section 9 (7 U.S.C. 2018) is amended by adding at the end thereof the following new subsection:

"(f) In those areas in which the Secretary, in consultation with the Inspector General of the Department of Agriculture, finds evidence that the operation of house-to-house trade routes damages the program's integrity, the Secretary shall limit the participation of house-to-house trade routes to those routes that are reasonably necessary to provide adequate access to households.".

APPROVAL OF STATE PLAN OF OPERATION

SEC. 166. Section 11(d) (7 U.S.C. 2020(d)) is amended by inserting after the first sentence the following new sentence: "The Secretary may not, as a part of the approval process for a plan of operation, require a State to submit for prior approval by the Secretary the State agency instructions to staff, interpretations of existing policy, State agency methods of administration, forms used by the State agency, or any materials, documents, memoranda, bulletins, or other matter, unless the State determines that the materials, documents, memoranda, bulletins, or other matter alter or amend the State plan of operation or conflict with the rights and levels of benefits to which a household is entitled.".

POINTS AND HOURS OF CERTIFICATION AND ISSUANCE

SEC. 167. (a) The last sentence of section 11(e)(2) (7 U.S.C. 2020(e)(2)) is amended by striking out "points and hours of certification, and for".

(b) Paragraph (13) of section 11(e) (7 U.S.C. 2020(e)(13)) is repealed.

AUTHORIZED REPRESENTATIVES

SEC. 168. Section 11(e)(7) (7 U.S.C. 2020(e)(7)) is amended by—

(1) striking out "any" each place it appears and inserting in lieu thereof "an"; and

(2) inserting before the semicolon at the end thereof the following: ", except that the Secretary may restrict the number of households which may be represented by an individual and otherwise establish criteria and verification standards for representation under this paragraph".

DISCLOSURE OF INFORMATION

SEC. 169. Section 11(e)(8) (7 U.S.C. 2020(e)(8)) is amended by striking out "or the regulations issued pursuant to this Act" and inserting in lieu thereof ", regulations issued pursuant ot this Act, Federal assistance programs, or federally assisted State programs".

EXPEDITED COUPON ISSUANCE

SEC. 170. Paragraph (9) of section 11(e) (7 U.S.C. 2020(e)(9)) is amended to read as follows:

"(9) that the State agency shall—

"(A) provide coupons no later than five days after the date of application to any household which—

"(i)(I) has gross income that is less than $150 per month; or

"(II) is a destitute migrant or a seasonal farmworker household in accordance with the regulations governing such households in effect July 1, 1982; and

"(ii) has liquid resources that do not exceed $100; and

"(B) to the extent practicable, verify the income and liquid resources of the household prior to issuance of coupons to the household;".

PROMPT REDUCTION OR TERMINATION OF BENEFITS

SEC. 171. Section 11(e)(10) (7 U.S.C. 2020(e)(10)) is amended by inserting before the semicolon at the end thereof the following: ", except that in any case in which the State agency receives from the household a written statement containing information that clearly requires a reduction or termination of the household's benefits, the State agency may act immediately to reduce or terminate the household's benefits and may provide notice of its action to the household as late as the date on which the action becomes effective".

DUPLICATION OF COUPONS IN MORE THAN ONE JURISDICTION WITHIN A STATE

SEC. 172. Section 11(e) (7 U.S.C. 2020(e)) is amended by—

(1) striking out "and" at the end of paragraph (20);

(2) striking out the period at the end of paragraph (21) and inserting in lieu thereof "; and"; and

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

"(22) that the State agency shall establish a system and take action on a periodic basis to verify and otherwise assure that an individual does not receive coupons in more than one jurisdiction within the State.".

CERTIFICATION SYSTEMS

SEC. 173. Section 11(i) (7 U.S.C. 2020(i)) is amended by adding at the end thereof the following new sentence: "Each State agency shall implement clauses (1) and (2) and may implement clause (3) or (4), or both such clauses.".

CASHED-OUT PROGRAMS

SEC. 174. Section 11 (7 U.S.C. 2020) is amended by adding at the end thereof the following new subsection:

"(n) The Secretary shall require State agencies to conduct verification and implement other measures where necessary, but no less often than annually, to assure that an individual does not receive both coupons and benefits or payments referred to in section 6(g) or both coupons and assistance provided in lieu of coupons under section 17(b)(1).".

AMOUNT OF PENALTY AND LENGTH OF DISQUALIFICATION

SEC. 175. Section 12 (7 U.S.C. 2021) is amended by—

(1) inserting "(a)" after the section designation;

(2) in the first sentence, striking out "$5,000" and inserting in lieu thereof "$10,000";

(3) striking out the second sentence and inserting in lieu thereof the following new subsection:

"(b) Disqualification under subsection (a) shall be—

"(1) for a reasonable period of time, of no less than six months nor more than five years, upon the first occasion of disqualification;

"(2) for a reasonable period of time, of no less than twelve months nor more than ten years, upon the second occasion of disqualification ; and

"(3) permanent upon the third occasion of disqualification or the first occasion of a disqualification based on the purchase of coupons or trafficking in coupons or authorization cards by a retail food store or wholesale food concern."; and

(4) designating the last sentence as subsection (c).

BONDS

SEC. 176. (a) Section 12 (7 U.S.C. 2021) (as amended by section 175 of this Act) is amended by adding at the end thereof the following new subsection:

"(d) As a condition of authorization to accept and redeem coupons, the Secretary may require a retail food store or wholesale food concern which has been disqualified or subjected to a civil penalty pursuant to subsection (a) to furnish a bond to cover the value of coupons which such store or concern may in the future accept and redeem in violation of this Act. The Secretary shall, by regulation, prescribe the amount, terms, and conditions of such bond. If the Secretary finds that such store or concern has accepted and redeemed coupons in violation of this Act after furnishing such bond, such store or concern shall forfeit to the Secretary an amount of such bond which is equal to the value of coupons accepted and redeemed by such store or concern in violation of this Act. Such store or concern may obtain a hearing on such forfeiture pursuant to section 14.".

(b) The first sentence of section 14(a) (7 U.S.C. 2023(a)) is amended by inserting "or a retail food store or wholesale food concern forfeits a bond under section 12(d) of this Act," after "section 12 of this Act,".

ALTERNATIVE MEANS OF COLLECTION OF OVERISSUANCES

SEC. 177. (a) Section 13(b)(1) (7 U.S.C. 2022(b)(1)) is amended by—

(1) inserting "(A)" after the paragraph designation; and

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

"(B) State agencies may collect any claim against a household arising from the overissuance of coupons based on an ineligibility determination under section 6(b), other than claims collected pursuant to subparagraph (A), by using other means of collection.".

(b) Section 13(b)(2) (7 U.S.C. 2022(b)(2)) is amended by—

(1) inserting "(A)" after the paragraph designation; and

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

"(B) State agencies may collect any claim against a household arising from the overissuance of coupons, other than claims collected pursuant to paragraph (1) or subparagraph (A), by using other means of collection.".

CLAIMS COLLECTION PROCEDURE

SEC. 178. The second sentence of section 13(b)(1)(A) (as amended by section 177(a) of this Act) is amended by inserting "within thirty days of a demand for an election" after "election".

COST-SHARING FOR COLLECTION OF OVERISSUANCES

SEC. 179. The first sentence of section 16(a) (7 U.S.C. 2025(a)) is amended by inserting before the period at the end thereof the following: ", except the value of funds or allotments recovered or collected pursuant to section 13(b)(2) which arise from an error of a State agency".

ERROR RATE REDUCTION SYSTEM

SEC. 180. (a) Section 16 (7 U.S.C. 2025) is amended by—

(1) amending subsection (c) to read as follows:

"(c) The Secretary is authorized to adjust a State agency's federally funded share of administrative costs pursuant to subsection (a), other than the costs already shared in excess of 50 per centum under the proviso in the first sentence of subsection (a) or under subsection (g), by increasing such share to 60 per centum of all such administrative costs in the case of a State agency which has—

"(1) a payment error rate as defined in subsection (d)(1) which, when added to the total percentage of all allotments underissued to eligible households by the State agency, is less than 5 per centum; and

"(2) a rate of invalid decisions in denying eligibility which is less than a nationwide percentage which the Secretary determines to be reasonable.";

(2) striking out subsections (d), (e), and (g) and redesignating subsections (f), (h), and (i) as subsections (e), (f), and (g), respectively; and

(3) inserting after subsection (c) the following new subsection:

"(d)(1) As used in this subsection, the term 'payment error rate' means the total percentage of all allotments issued in a fiscal year by a State agency which are either—

"(A) issued to households which fail to meet basic program eligibility requirements; or

"(B) overissued to eligible households.

"(2)(A) The Secretary shall institute an error rate reduction program under which, if a State agency's payment error rate exceeds—

"(i) 9 per centum for fiscal year 1983,

"(ii) 7 per centum for fiscal year 1984, or

"(iii) 5 per centum for fiscal year 1985 or any fiscal year thereafter,

then the Secretary shall, other than for good cause shown or as provided in subparagraph (B), reduce the State agency's federally funded share of administrative costs provided pursuant to subsection (a), other than the costs already shared in excess of 50 per centum under the proviso in the first sentence of subsection (a) or under subsection (g), by the amounts required under paragraph (3).

"(B) The Secretary may not reduce a State agency's federally funded share of administrative costs pursuant to subparagraph (A)—

"(i) on the basis of the State agency's payment error rate for fiscal year 1983, if such payment error rate represents a reduction from the State agency's payment error rate for the period beginning on October 1, 1980, and ending on March 31, 1981, of at least 33.3 per centum of the difference between the State agency's payment error rate for such period and 5 per centum; or

"(ii) on the basis of the State agency's payment error rate for fiscal year 1984, if such payment error rate represents a reduction from the State agency's payment error rate for the period beginning on October 1, 1980, and ending on March 31, 1981, of at least 66.7 per centum of the difference between the State agency's payment error rate for such period and 5 per centum.

"(3)(A) The Secretary shall reduce a State agency's federally funded share of administrative costs, except as provided in subparagraph (B), by—

"(i) 5 per centum for each per centum or fraction thereof that the State agency's payment error rate exceeds the maximum payment error rate allowed for the fiscal year under paragraph (2); and

"(ii) if the State agency's payment error rate exceeds the maximum payment error rate allowed for the fiscal year under paragraph (2) by more than 3 per centum, an additional 5 per centum (for a total of 10 per centum) for each per centum or fraction thereof that the State agency's payment error rate exceeds the maximum payment error rate allowed for the fiscal year under paragraph (2) by more than 3 per centum.

"(B) The Secretary may not reduce a State agency's federally funded share of administrative costs for a fiscal year by an amount that exceeds the product of multiplying—

"(i) the per centum by which the State agency's payment error rate exceeds the maximum payment error rate allowed for the fiscal year under paragraph (2); by

"(ii) the total dollar value of all coupons issued by the State agency during the fiscal year.

"(4) The Secretary may require a State agency to report any factors which the Secretary considers necessary to determine the appropriate level of a State agency's federally funded share of administrative costs under this subsection. If a State agency fails to meet the reporting requirements established by the Secretary, the Secretary shall base the determination on all pertinent information available to the Secretary.

"(5) If the Secretary reduces a State agency's federally funded share of administrative costs under this subsection, the State may seek administrative and judicial review of the action pursuant to section 14.".

(b)(1) Section 11(e)(3) (7 U.S.C. 2020(e)(3)) is amended by—

(A) striking out "subsections (h) and (i) of section 16" and inserting in lieu thereof "section 16(e)"; and

(B) striking out "quality control program" and inserting in lieu thereof "error rate reduction system".

(2) The first sentence of section 18(e) (7 U.S.C. 2027(e)) is amended by striking out "sections 7(f), 11 (c) and (h), 13(b), and 16(g)" and inserting in lieu thereof "sections 7(f), 11 (g) and (h), and 13(b)".

EMPLOYMENT REQUIREMENT PILOT PROJECT

SEC. 181. Section 17 (7 U.S.C. 2026) is amended by adding at the end thereof the following new subsection:

"(g)(1) As used in this subsection, the term 'qualification period' means a period of time immediately preceding—

"(A) in the case of a new applicant for benefits under this Act, the date on which application for such benefits is made by the individual; or

"(B) in the case of an otherwise continuing recipient of coupons under this Act, the date on which such coupons would otherwise be issued to the individual.

"(2) Upon application of a State or political subdivision thereof, the Secretary may conduct one pilot project involving the employment requirements described in this subsection in each of four project areas selected by the Secretary.

"(3) Under the pilot projects conducted pursuant to this subsection, except as provided in paragraphs (4), (5), and (6), an individual who resides in a project area shall not be eligible for assistance under this Act if the individual was not employed a minimum of twenty hours per week, or did not participate in a workfare program estab-

lished under section 210, during a qualification period of—

"(A) thirty or more consecutive days, in the case of an individual whose benefits under a State or Federal unemployment compensation law were terminated immediately before such qualification period began; or

"(B) sixty or more consecutive days, in the case of an individual not described in clause (A).

"(4) The provisions of paragraph (3) shall not apply in the case of an individual who—

"(A) is under eighteen or over fifty-nine years of age;

"(B) is certified by a physician as physically or mentally unfit for employment;

"(C) is a parent or other member of a household with responsibility for the care of a dependent child under six years of age or of an incapacitated person;

"(D) is a parent or other caretaker of a child under six years of age in a household in which there is another parent who, unless covered by clause (A) or (B), or both such clauses, is employed a minimum of twenty hours per week or participating in a workfare program established under section 20;

"(E) is in compliance with section 6(d) and demonstrates, in a manner prescribed by the Secretary, that the individual is able and willing to accept employment but is unable to obtain such employment; or

"(F) is a member of any other group described by the Secretary.

"(5) The Secretary may waive the requirements of paragraph (3) in the case of all individuals within all or part of a project area if the Secretary finds that such area—

"(A) has an unemployment rate of over 10 per centum; or

"(B) does not have a sufficient number of jobs to provide employment for individuals subject to this subsection.

"(6) An individual who has become ineligible for assistance under this Act by reason of paragraph (3) may reestablish eligibility for assistance after a period of ineligibility by—

"(1) becoming employed for a minimum of twenty hours per week during any consecutive thirty-day period; or

"(2) participating in a workfare program established under section 20 during any consecutive thirty-day period.".

BENEFIT IMPACT STUDY

SEC. 182. Section 17 (7 U.S.C. 2026) (as amended by section 181 of this Act) is amended by adding at the end thereof the following new subsection:

"(h) The Secretary shall conduct a study of the effects of reductions made in benefits provided under this Act pursuant to part 1 of subtitle A of title I of the Omnibus Budget Reconciliation Act of 1981, the Food Stamp and Commodity Distribution Amendments of 1981, the Food Stamp Act Amendments of 1982, and any other laws enacted by the Ninety-seventh Congress which affect the food stamp program. The study shall include a study of the effect of retrospective accounting and periodic reporting procedures established under such Acts, including the impact on benefit and administrative costs and on error rates and the degree to which eligible households are denied food stamp benefits for failure to file complete periodic reports. The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report on the results of such study no later than February 1, 1984, and a final report on the results of such study no later than March 1, 1985.".

AUTHORIZATION FOR APPROPRIATIONS

SEC. 183. The first sentence of section 18(a)(1) (7 U.S.C. 2027(a)(1)) is amended by—

(1) striking out "and" after "September 30, 1981;", and

(2) inserting before the period at the end thereof the following: "; not in excess of $12,874,000,000 for the fiscal year ending September 30, 1983; not in excess of $13,145,000,000 for the fiscal year ending September 30, 1984; and not in excess of $13,933,000,000 for the fiscal year ending September 30, 1985".

PUERTO RICO BLOCK GRANT

SEC. 184. (a) Section 19(a)(1)(A) (7 U.S.C. 2028(a)(1)(A)) is amended by inserting "noncash" after "expenditures for".

(b) The amendment made by subsection (a) shall not apply with respect to any plan submitted under section 19(b) of the Food Stamp Act of 1977 (7 U.S.C. 2028(b)) by the Commonwealth of Puerto Rico in order to receive payments for the fiscal year ending September 30, 1982, or the fiscal year ending September 30, 1983.

(c) The Secretary of Agriculture shall conduct a study of the impact of making food assistance available to needy persons in the Commonwealth of Puerto Rico in the form of cash under section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028). The study shall include an analysis of the impact on both the nutritional status of residents of the Commonwealth and the economy of the Commonwealth. The Secretary shall submit a report of the findings of such study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than six months after the effective date of this subtitle.

SIMILAR WORKFARE PROGRAMS

SEC. 185. Section 20(a) (7 U.S.C. 2029(a)) is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) adding at the end thereof the following new paragraph:

"(2)(A) The Secretary shall promulgate guidelines pursuant to paragraph (1) which, to the maximum extent practicable, enable a political subdivision to design and operate a workfare program under this section which is compatible and consistent with similar workfare programs operated by the subdivision.

"(B) A political subdivision may comply with the requirements of this section by operating—

"(i) a workfare program pursuant to title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(ii) any other workfare program which the Secretary determines meets the provisions and protections provided under this section.".

WIN PARTICIPANTS

SEC. 186. Clause (4) of section 20(b) (7 U.S.C. 2029(b)) is amended by striking out "subject to and currently involved" and inserting in lieu thereof "at the option of the operating agency, subject to and currently actively and satisfactorily participating".

HOURS OF WORKFARE

SEC. 187. Section 20(c) (7 U.S.C. 2029(c)) is amended by striking out "either" and all that follows through the end of the sentence and inserting in lieu thereof: ", when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds thirty hours a week.".

REIMBURSEMENT FOR WORKFARE ADMINISTRATIVE EXPENSES

SEC. 188. Section 20(g) (7 U.S.C. 2029(g)) is amended by—

(1) redesignating paragraph (2) as paragraph (3), and

(2) inserting after paragraph (1) the following new paragraph:

"(2)(A) From 50 per centum of the funds saved from employment related to a workfare program operated under this section, the Secretary shall pay to each operating agency an amount not to exceed the administrative expenses described in paragraph (1) for which no reimbursement is provided under such paragraph.

"(B) For purposes of subparagraph (A), the term 'funds saved from employment related to a workfare program operated under this section' means an amount equal to three times the dollar value of the decrease in allotments issued to households, to the extent that such decrease results from wages received by members of such households for the first month of employment beginning after the date such members commence such employment if such employment commences—

"(i) while such members are participating for the first time in a workfare program operated under this section; or

"(ii) in the thirty-day period beginning on the date such first participating is terminated.".

TECHNICAL CORRECTIONS

SEC. 189. (a) Section 5(f)(2)(A) (as amended by section 107(a) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 360)) is amended by striking out "propsective" and inserting in lieu thereof "prospective".

(b)(1) Clause (2) of section 6(g) (7 U.S.C. 2015(g)) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(2) Section 11 (7 U.S.C. 2020) is amended by—

(A) in subsection (i), striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services", and

(B) in subsection (j), striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(3) The second sentence of section 16(e) (as redesignated by section 180(a)(2) of this Act) is amended by striking out "Secretary of Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Secretary of Health and Human Services".

(c) Section 16(f) (as redesignated by section 180(a)(2) of this Act) is amended by striking out "; and" and inserting in lieu thereof a period.

CONFORMING AMENDMENTS

SEC. 190. (a) Section 6(d)(2) (7 U.S.C. 2015(d)(2)) (as amended by section 159 of this Act) is amended by redesignating clauses (D) through (F) as clauses (C) through (E), respectively.

(b) Section 6(d) (7 U.S.C. 2015(d)) (as amended by section 160 of this Act) is amended by redesignating paragraph (4) as paragraph (3).

(c)(1) Section 11(e) (17 U.S.C. 2020(e)) (as amended by sections 167(b) and 172 of this Act) is amended by redesignating paragraphs (14) through (22) as paragraphs (13) through (21), respectively.

(2) Section 7(f) (7 U.S.C. 2016(f)) is amended by striking out "section 11(e)(21)" and inserting in lieu thereof "section 11(e)(20)".

(d) Section 17 (7 U.S.C. 2026) (as amended by sections 152(c), 181, and 182 of this Act) is amended by redesignating subsections (f) through (h) as subsections (d) through (f), respectively.

DISTRIBUTION OF SURPLUS COMMODITIES

SEC. 191. (a) The Congress finds that—

(1) for an increasing number of people in the United States, these are times of great suffering and deprivation;

(2) rising unemployment, decreasing appropriations for social services, and increasingly adverse economic conditions have all contributed to produce hunger and want on a scale not experienced since the time of the Great Depression;

(3) the demand for every conceivable form of assistance for the hungry and needy people of the United States grows more critical daily, while the availability of goods and services to meet the needs of such people is rapidly diminishing;

(4) soup kitchens, food banks, and other organizations which provide food to the hungry report an astronomical increase in the number of persons seeking the assistance of such organizations;

(5) according to a study completed by the General Accounting Office in 1977, one hundred and thirty-seven million tons of food, or more than 20 per centum of this country's total annual food production, is wasted or discarded in the United States each year;

(6) at wholesale and retail food distributors, shipping terminals, and other establishments all across the country, enormous quantities of fresh fruits and vegetables and dated dairy and bakery products are discarded each day, while growing numbers of Americans go to bed hungry and undernourished each night;

(7) in these items of budget constraints and appeals for reductions in Federal spending, the use of private resources to meet the basic food requirements of our citizens should be encouraged; and

(8) many States and local governments have not enacted laws which limit the liability of food donors, such as so-called Good Samaritan Acts and donor liability laws, and thus have discouraged donation of food to the needy by private persons.

(b) It is the sense of the Congress that—

(1) departments and agencies of the Federal Government should take such steps as may be necessary to distribute to hungry people of the United States surplus food or food which would otherwise be discarded;

(2) State and local governments which have not yet enacted so-called Good Samaritan or donor liability laws to encourage private cooperative efforts to provide food for hungry people within their respective jurisdictions should do so as quickly as possible; and

(3) wholesale and retail food distributors, shipping terminals, and other establishments should work more closely with religious, community, and other charitable organizations to make wholesome food which is currently being wasted or discarded by such establishments available for immediate distribution to hungry people of the United States.

EFFECTIVE DATES OF PRIOR AMENDMENTS TO THE FOOD STAMP ACT OF 1977

SEC. 192. (a) Notwithstanding section 117 of the Omnibus Budget Reconciliation Act of 1981 (7 U.S.C. 2012 note), the amendments made by sections 101 through 114 of such Act, other than sections 107(b) and 108(c) of such Act, shall take effect on the earlier of the date of the enactment of this subtitle or the date on which such amendments became effective pursuant to section 117 of such Act.

(b) Notwithstanding section 1338 of the Agriculture and Food Act of 1981 (7 U.S.C. 2012 note), the amendments made by sections 1302 through 1333 of such Act shall take effect on the earlier of the date of the enactment of this subtitle or the date on which such amendments became effective pursuant to section 1338 of such Act.

EFFECTIVE DATES

SEC. 193. (a) Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this subtitle.

(b) Sections 180 and 188 shall take effect on October 1, 1982.

TITLE II—BANKING

TREATMENT OF FHA SINGLE-FAMILY MORTGAGE INSURANCE PREMIUMS

SEC. 201. (a) Section 203(b) of the National Housing Act is amended by—

(1) inserting after "150 per centum of such median price" in the first sentence of paragraph (2) the following: ": Provided, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured"; and

(2) inserting after "cost of acquisition" in paragraph (9) the following: "(excluding the mortgage insurance premium paid at the time the mortgage is insured)".

(b) Section 203(c) of such Act is amended by inserting the following before the period at the end of the fourth sentence: ": Provided, That with respect to mortgages (1) for which the Secretary requires, at the time the mortgage is insured, the payment of a single premium charge to cover the total premium obligation for the insurance of the mortgage, and (2) on which the principal obligation is paid before the number of years on which the premium with respect to a particular mortgage was based, or the property is sold subject to the mortgage or is sold and the mortgage is assumed prior to such time, the Secretary shall provide for refunds, where appropriate, of a portion of the premium paid and shall provide for appropriate allocation of the premium cost among the mortgagors over the term of the mortgage, in accordance with procedures established by the Secretary which take into account sound financial and actuarial considerations".

(c) Section 213(b)(2) of such Act is amended by inserting after "exceeded by not to exceed 90 per centum in such an area" the following: ": Provided further, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(d) Section 221(d) of such Act is amended by—

(1) inserting after "in any geographical area where he finds that cost levels so require" in paragraph (2)(A) the following: ": Provided further, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured";

(2) inserting after "of its acquisition cost" in paragraph (2)(B)(i)(2) the following: "(excluding the mortgage insurance premium paid at the time the mortgage is insured)"; and

(3) striking out "mortgage insurance premium," in paragraph (2)(B)(i)(2).

(e) Section 234(c) of such Act is amended by inserting after "one-family house price in the area, as determined by the Secretary" in clause (A) of the third sentence thereof the following: ": Provided, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(f) Section 235(i) of such Act is amended by—

(1) inserting after "respectively" in paragraph (3)(B) the following: ": Provided, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured";

(2) inserting after "respectively" in paragraph (3)(C) the following: ": Provided, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured";

(3) inserting after "so require)" in paragraph (3)(D) the following: ": Provided, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured; and

(4) inserting after "acquisition" in paragraph (3)(E) the following: "(excluding the mortgage insurance premium paid at the time the mortgage is insured)".

(g) The amendments made by this section, other than by subsection (b), may be implemented only if the Secretary determines that the program of advance payment of insurance premiums, with specific regard to the effect of the provisions authorized by the amendments made by this section, is actuarially sound.

BUREAU OF THE MINT

SEC. 202. The last sentence of section 3552 of the Revised Statutes (31 U.S.C. 369) is amended to read as follows: "There are authorized to be appropriated for fiscal year 1983 not to exceed $50,165,000 for all expenditures (salaries and expenses) of the mints and assay offices not herein otherwise provided for.".

TITLE III—CIVIL SERVICE PROGRAMS AND GOVERNMENT OPERATIONS

SUBTITLE A—CIVIL SERVICE PROGRAMS

COST-OF-LIVING ADJUSTMENTS DURING FISCAL YEARS 1983, 1984, AND 1985

SEC. 301. (a)(1) Except as provided in paragraph (3), the cost-of-living increase under any Government retirement system in annuity or retired or retainer pay of any early retiree during fiscal years 1983, 1984, and 1985, shall be equal to one-half of the assumed increase in the price index for that year.

(2) For purposes of this subsection, an individual shall be considered to be an early retiree if—

(A) the individual is under the age of 62 years as of the effective date of the cost-of-living increase involved (determined without regard to subsection (b));

(B) the annuity or retired or retainer pay of the individual is not computed in whole or in part based on any disability of the individual; and

(C) the annuity or retired or retainer pay of the individual is based upon the Government service of the individual.

(3) If the percentage increase in the price index for fiscal year 1983, 1984, or 1985 (as determined by the Office of Personnel Management) exceeds the assumed increase in the price index for that year, then the in-

crease in the annuity or retired or retainer pay of an early retiree under paragraph (1) for that fiscal year shall be equal to—

(A) one-half of the assumed increase in the price index for that year, plus

(B) the amount by which the percentage increase in the price index exceeds the assumed price index increase.

(4) As used in this subsection—

(A) the term "price index" has the meaning given such term in section 8331(15) of title 5, United States Code; and

(B) the term "assumed increase in the price index" means—

(i) 6.6 percent, in the case of fiscal year 1983,

(ii) 7.2 percent, in the case of fiscal year 1984,

(iii) 6.6 percent, in the case of fiscal year 1985.

(5) The amount of any survivor annuity which is based on the service of any early retiree subject to this subsection shall be computed as if ths subsection had not been enacted.

(b)(1) Notwithstanding any other provision of law, any cost-of-living increase under a Government retirement system shall not take effect until—

(A) the first day of the first calendar month after the date such increase would otherwise take effect, in the case of increases taking effect duting fiscal year 1983;

(B) the first day of the second calendar month after the date such increase would otherwise take effect, in the case of increases taking effect during fiscal year 1984; and

(C) the first day of the third calendar month after the date such increase would otherwise take effect, in the case of increases taking effect during fiscal year 1985.

(2) Nothing in this subsection shall be construed to affect the eligibility for any increase in annuity or retired or retainer pay or the amount of the first increase in annuity or retired or retainer pay under section 8340 (b) or (c) of title 5, United States Code, or comparable provisions of law.

(c) For purposes of this section, the term "cost-of-living increase under a Government retirement system" means any increase under—

(1) section 8340(b) of title 5, United States Code;

(2) section 826 of the Foreign Service Act of 1980;

(3) the Central Intelligence Agency Act of 1964 for Certain Employees (50 U.S.C. 403 note);

(4) section 1401a(b) of title 10, United States Code; or

(5) any other adjustment of any annuity under a retirement system for Government officers or employees which the President determines, by Executive order, is based on adjustments under any of the provisions referred to in the preceding paragraphs.

(a)(1) In the case of any member or former member of a uniformed service who, during any period in fiscal year 1983, 1984, or 1985, is receiving retired or retainer pay and holds a civilian position, there shall be deducted from the pay for such position an amount equal to the amount of any increase in such individual's retired or retainer pay pursuant to section 1401a(b) of title 10, United States Code, which takes effect during any of such fiscal years in which he holds such a civilian position and which is allocable to the period of actual employment in such civilian position. The amounts so deducted shall be deposited into the general fund of the Treasury of the United States.

(2) For the purpose of this subsection—

(A) the term "uniformed service" has the meaning given that term by section 2101 of title 5, United States Code; and

(B) the term "civilian position" means a position, as defined in section 5531(2) of title 5, United States Code.

(3) This subsection shall not apply to reduce the salary of any person whose compensation may not, under section 1 of article III of the Constitution of the United States, be diminished during such individual's continuance in office.

(4) The reduction in pay required by this subsection does not apply to a member or former member of a uniformed service receiving retired or retainer pay whose retired or retainer pay is computed, in whole or in part, based on disability—

(A) resulting from injury of disease received in line of duty as a direct result of armed conflict; or

(B) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by sections 101 and 301 of title 38, United States Code.

DISABILITY RETIREMENT

SEC. 302. (a) Section 8337 of title 5, United States Code, is amended—

(1) by striking out "1 year" in the second sentence of subsection (d) and inserting in lieu thereof "180 days";

(2) by striking out "each of 2 succeeding calendar years" in the third sentence of subsection (d) and inserting in lieu thereof "any calendar year"; and

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

"(h)(1) As used in this subsection, the term 'technician' means an individual employed under section 709(a) of title 32 who, as a condition of the employment, is required under section 709(b) of such title to be a member of the National Guard and to hold a specified military grade.

"(2)(A) Except as provided in subparagraph (B) of this paragraph, an individual shall be retired under this section if the individual—

"(i) is separated from employment as a technician under section 709(e)(1) of title 32 by reason of a disability that disqualifies the individual from membership in the National Guard or from holding the military grade required for such employment;

"(ii) is not considered to be disabled under the second sentence of subsection (a) of this section;

"(iii) is not appointed to a position in the Government (whether under paragraph (3) of this subsection or otherwise); and

"(iv) has not declined an offer of an appointment to a position in the Government under paragraph (3) of this subsection.

"(B) Payment of any annuity for an individual pursuant to this subsection terminates—

"(i) on the date the individual is appointed to a position in the Government (whether pursuant to paragraph (3) of this subsection or otherwise);

"(ii) on the date the individual declines an offer of appointment to a position in the Government under paragraph (3); or

"(iii) as provided under subsection (d).

"(3) Any individual applying for or receiving any annuity pursuant to this subsection shall, in accordance with regulations prescribed by the Office, be considered by any agency of the Government before any vacant position in the agency is filled if—

"(A) the position is located within the commuting area of the individual's former position;

"(B) the individual is qualified to serve in such position, as determined by the head of the agency; and

"(C) the position is at the same grade or equivalent level as the position from which the individual was separated under section 709(e)(1) of title 32.".

(b) Section 8347(m) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1) and inserting a semicolon in lieu thereof;

(2) by striking out the period at the end of paragraph (2) and inserting a semicolon in lieu thereof; and

(3) by adding at the end thereof the following new paragraphs:

"(3) the Secretary of Health and Human Services or the Secretary's designee shall provide information contained in the records of the Social Security Administration; and

"(4) the Secretary of Labor or the Secretary's designee shall provide information on benefits paid under subchapter I of chapter 81 of this title.".

(c)(1) Except as provided in paragraphs (2) and (3), the amendments made by subsections (a) and (b) shall take effect October 1, 1982, and shall apply with respect to individuals retiring on or after such date.

(2) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect with respect to income earned after December 31, 1982.

(3) Subsection (h) of section 8337 of title 5, United States Code (as added by subsection (a)) shall apply to any technician (as defined in paragraph (1) of such subsection (h)) who separated from employment as a technician on or after December 31, 1979, and before October 1, 1982, if application therefor is made to the Office of Personnel Management within 12 months after the date of the enactment of this Act. Any annuity resulting from such application shall commence as of the day after the date such application is received by the Office.

INTEREST RATES, DEPOSITS, REFUNDS, AND REDEPOSITS

SEC. 303. (a)(1) Section 8334(e) of title 5, United States Code, is amended to read as follows:

"(e)(1) Interest under subsection (c), (d), or (j) of this section is computed in accordance with paragraphs (2) and (3) of this subsection and regulations prescribed by the Office of Personnel Management.

"(2) Interest accrues annually on the outstanding portion of any amount that may be deposited under subsection (c), (d), or (j) of this section, and is compounded annually, until the portion is deposited. Such interest is computed from the mid-point of each service period included in the computation, or from the date refund was paid. The deposit may be made in one or more installments. Interest may not be charged for a period of separation from the service which began before October 1, 1956.

"(3) The rate of interest is 4 percent a year through December 31, 1947, and 3 percent a year beginning January 1, 1948, through December 31, 1984. Thereafter, the rate of interest for any calendar year shall be equal to the overall average yield to the Fund during the preceding calendar year from all obligations purchased by the Secretary of the Treasury during such calendar year under section 8348 (c), (d), and (e) of this title, as determined by the Secretary.".

(2) The second sentence of section 8343(a) of title 5, United States Code, is amended by

inserting after "at 3 percent a year" the following: "through December 31, 1984, and thereafter at the rate computed under section 8334(e) of this title,".

(b) Section 8339(i) of title 5, United States Code, is amended to read as follows:

"(i) For the purposes of subsections (a)-(h) and (n) of this section, the total service of any employee or Member shall not include any period of civilian service after July 31, 1920, for which retirement deductions or deposits have not been made under section 8334(a) of this title unless—

"(1) the employee or Member makes a deposit for such period as provided in section 8334(c) or (d) of this title; or

"(2) no deposit is required for such service, as provided under section 8334(g) of this title or under any statue.".

(c) Section 8342(a) of title 5, United States Code, is amended to read as follows:

"(a) An employee or Member who—

"(1)(A) is separated from the service for at least thirty-one consecutive days; or

"(B) is transferred to a position in which he is not subject to this subchapter and remains in such position for at least thirty-one consecutive days;

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

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

"(4) will not become eligible to receive an annuity within thirty-one days after filling the application.

is entitled to be paid the lump-sum credit. The receipt of the payment of the lump-sum credit by the employee or Member voids all annuity rights under this subchapter based on the service on which the lump-sum credit is based, unitl the employee or Member is reemployed in the serice subject to this subchapter.".

(d)(1) The amendments made by subsections (a) and (b) shall apply with respect to deposits for service performed on or after October 1, 1982, and with respect to refunds made on or after such date. The provisions of section 8334 and section 8339(i) of title 5, United States Code, as in effect the day before the date of the enactment of this Act, shall continue to apply with respect to periods of service and refunds occurring on or before such date.

(2) The amendment made by subsection (c) shall take effect October 1, 1982.

ROUNDING DOWN OF CIVIL SERVICE RETIREMENT ANNUITIES

SEC. 304. (a) The first sentence of section 8340(e) of title 5, United States Code, is amended by striking out "fixed at the nearest" and inserting in lieu thereof "rounded to the next lowest".

(b) Section 8345(a) of title 5, United States Code, is amended by striking out "fixed at the nearest" and inserting in lieu thereof "rounded to the next lowest".

(c) The amendments made by subsections (a) and (b) shall apply with respect to any annuity commencing on or after October 1, 1982, and with respect to any adjustment or redetermination of any annuity made on or after such date.

LATER COMMENCEMENT DATE FOR CERTAIN ANNUITIES

SEC. 305. (a) Section 8345(b) of title 5, United States Code, is amended to read as follows:

"(b)(1) Except as otherwise provided—

"(A) an annuity of an employee or Member commences on the first day of the month after—

"(i) separation from the service; or

"(ii) pay ceases and the service and age requirements for title to annuity are met; and

"(B) any other annuity payable from the Fund commences on the first day of the month after the occurrence of the event on which payment thereof is based.

"(2) The annuity of—

"(A) an employee involuntarily separated from service, except by removal for cause on charges of misconduct or delinquency; and

"(B) an employee or Member retiring under section 8337 of this title due to a disability;

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

(b) The amendment made by subsection (a) shall apply to annuities which commence on or after October 1, 1982.

CREDITABLE SERVICE BASED ON MILITARY SERVICE

SEC. 306. (a) Section 8331(8)(B) of title 5, United States Code, is amended by inserting after "service" a comma and "including any amounts deposited under section 8334(j) of this title".

(D) Section 8332(c) of title 5, United States Code, is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) of this subsection and subsection (d) of this section—

"(A) the service of an individual who first becomes an employee or Member before October 1, 1982, shall include credit for each month of military service performed before the date of the separation on which the entitlement to an annuity under this subchapter is based, subject to section 8332(j) of this title; and

"(B) the service of an individual who first becomes an employee or Member on or after October 1, 1982, shall include credit for each month of military service (performed before the date of the separation on which the entitlement to an annuity under this subchapter is based) only if a deposit with interest, if any, is made with respect to that month, as provided in section 8334(j) of this title.

"(2) If an employee or Member is awarded retired pay based on any period of military service, the service of the employee or Member may not include credit for such period of military service unless the retired pay is awarded—

"(A) based on a service-connected disability—

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

"(ii) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by section 301 of title 38; or

"(B) under chapter 67 of title 10.".

(c) Subsection (j) of section 8332 of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(j)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The provisions of paragraph (1) of this subsection relating to credit for military service shall not apply to—

"(A) any month of military service of an employee or Member with respect to which the employee or Member has made a deposit with interest, if any, under section 8334(j) of this title; or

"(B) the service of any employee or Member described in section 8332(c)(1)(B) of this title.".

(d) Section 8334 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j)(1) Each employee or Member who has performed military service before the date of the separation on which the entitlement to any annuity under this subchapter is based may pay, in accordance with such regulations as the Office shall issue within 90 days after the effective date of this subsection, to the agency by which the employee is employed or, in the case of a Member or a Congressional employee, to the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, an amount equal to 7 percent of the amount of the basic pay paid under section 204 of title 37 to the employee or Member for each month of military service after December 1956, as certified to the agency, the Secretary of the Senate, or the Clerk of the House of Representatives, as appropriate, by the Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, upon the employee's or Member's request.

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

"(A) October 1, 1982; or

"(B) the date on which the employee or Member making the deposit first becomes an employee or Member,

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

"(3) Any payment received by an agency, the Secretary of the Senate, or the Clerk of the House of Representatives under this subsection shall be immediately remitted to the Office for deposit in the Treasury of the United States to the credit of the Fund.

"(4) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Office as the Office may determine to be necessary for the administration of this subsection.".

(e) Section 8334(g)(2) of title 5, United States Code, is amended by inserting after "military service" the following: ", except to the extent provided under section 8332(c) or section 8334(j) of this title".

(f) Section 8348(g) of title 5, United States Code, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and "less an amount determined by the Office to be appropriate to reflect the value of the deposits made to the credit of the Fund under section 8334(j) of this title.".

(g) The amendments made by this section shall take effect October 1, 1982.

RECOMPUTATION AT AGE 62 OF CREDIT FOR MILITARY SERVICE OF CURRENT ANNUITANTS

SEC. 307. (a) The provisions of section 8332(j) of title 5, United States Code, relating to credit for military service, shall not apply with respect to any individual who is entitled to an annuity under subchapter III of chapter 83 of title 5, United States Code, on or before the date of enactment of this Act.

(b) Subject to subsection (b), in any case in which an individual described in subsection (a) is also entitled to old-age insurance benefits under section 202(a) of the Social Security Act (or would be entitled to such benefits upon filing application therefor), the amount of the annuity to which such in-

dividual is entitled under subchapter III of chapter 83 of title 5, United States Code, (after taking into account subsection (a)) which is payable for any month shall be reduced by an amount determined by multiplying the amount of such old-age insurance benefit for the determination month by a fraction—

(1) the numerator of which is the total of the wages (within the meaning of section 209 of the Social Security Act) for service referred to in section 210(1) of such Act (relating to service in the uniformed services) and deemed additional wages (within the meaning of section 229 of such Act) of such individual credited for years after 1956 and before the calendar year in which the determination month occurs, up to the contribution and benefit base determined under section 230 of the Social Security Act (or other applicable maximum annual amount referred to in section 215(e)(1) of such Act) for each such year, and

(2) the denominator of which is the total of all wages and deemed additional wages described in paragraph (1) of this subsection plus all other wages (within the meaning of section 209 of such Act) and all self-employment income (within the meaning of section 211(b) of such Act) of such individual credited for years after 1936 and before the calendar year in which the determination month occurs, up to the contribution and benefit base (or such other amount referred to in such section 215(e)(1)) for each such year.

(c) Subsection (b) shall not reduce the annuity of any individual below the amount of the annuity which would be payable under this subchapter to the individual for the determination month if section 8332(j) of title 5, United States Code, applied to the individual for such month.

(d) For purposes of this section, the term "determination month" means—

(1) the first month the individual described in subsection (a) is entitled to old-age insurance benefits under section 202(a) of the Social Security Act (or would be entitled to such benefits upon filing application therefor); or

(2) October 1982, in the case of any individual so entitled to such benefits for such month.

(e) The preceding provisions of this section shall take effect with respect to any annuity payment payable under subchapter III of chapter 83 of title 5, United States Code, for calendar months beginning after September 30, 1982.

(f) The Secretary of Health and Human Services shall furnish such information to the Office of Personnel Management as may be necessary to carry out the preceding provisions of this section.

IMMEDIATE RETIREMENT

SEC. 308. (a) Subsection (d) of section 8336 of title 5, United States Code, is amended to read as follows:

"(d) An employee who—

"(1) is separated from the service involuntarily, except by removal for cause on charges of misconduct or delinquency; or

"(2) while serving in a geographic area designated by the Office of Personnel Management, is separated from the service voluntarily during a period in which the Office determines that—

"(A) the agency in which the employee is serving is undergoing a major reorganization, a major reduction in force, or a major transfer of function; and

"(B) a significant percent of the employees serving in such agency will be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53 of this title or comparable provisions);

after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity. Notwithstanding the first sentence of this subsection, an employee described in paragraph (1) of this subsection is not entitled to an annuity under this subsection if the employee has declined a reasonable offer of another position in the employee's agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.".

(b) The amendment made by subsection (a) shall take effect October 1, 1982.

GENERAL LIMITATION ON COST-OF-LIVING ADJUSTMENT FOR ANNUITIES

SEC. 309. (a) Section 8340 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

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

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

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

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

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

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

(b) The amendment made by subsection (a) of this section shall not cause any annuity to be reduced below the rate that is payable on the date or the enactment of this Act, but shall apply to any adjustment occurring on or after such date of enactment under section 8340 of title 5, United States Code, to any annuity payable from the Civil Service Retirement and Disability Fund, whether such annuity has a commencing date before, on, or after the date of enactment of this Act.

FEDERAL EMPLOYEE PAY ADJUSTMENT; EXECUTIVE PAY REVIEW

SEC. 310. (a)(1) Notwithstanding any other provision of law, if—

(A) before September 1, 1982, the President transmits to the Congress pursuant to section 5305 (c)(1) of title 5, United States Code, an alternative plan which provides for an overall percentage pay adjustment which is less than 4 percent, and

(B) the alternative plan referred to in subparagraph (A) is disapproved pursuant to such section 5305,

the rates of pay under the General Schedule and the rates of pay under the other statutory pay systems shall be increased under the provisons of such section 5305 by 4 percent in the case of fiscal year 1983.

(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect on the first day of the first applicable pay period commencing on or after October 1 of such fiscal year.

(b)(1) Notwithstanding any other provision of law, effective with respect to fiscal years 1984 and 1985, and applicable in the case of an employee under the General Schedule, any hourly rate derived under section 5504(b)(1) of title 5, United States Code, shall be derived by dividing the annual rate of basic pay by 2,087.

(2) Paragraph (1) shall not apply in determining basic pay for purposes of subchapter III of chapter 83 of title 5, United States Code.

(3) The Office of Personnel Management may prescribe regulations necessary for the administration of this subsection insofar as this subsection affects employees in or under an Executive agency.

(c) In accordance with section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642-645), except as otherwise provided in this subsection, the Commission on Executive, Legislative, and Judicial Salaries shall be convened, conduct appropriate reviews as prescribed by section 225(f) of such Act, and submit to the President on or before November 15, 1982, a report as described in section 225(g) of such Act, and the President shall submit to the Congress, as soon as practicable after receipt of such report, his recommendations with respect to the rates of pay which he deems advisable for the offices and positions covered by such report, which recommendations shall be effective for any pay period which begins more than 30 calendar days after submission to the Congress, unless Congress during such 30-day period disapproves such recommendations by concurrent resolution.

Subtitle B—Limitation on Travel and Transportation Expenses

TRAVEL AND TRANSPORTATION EXPENSES FOR VACATION LEAVE

SEC. 351. (a) Section 5728 of title 5, United States Code, is amended by inserting a comma and "Alaska, and Hawaii" after "continental United States" each place it occurs in subsections (a) and (b).

(b) Such section is further amended—

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

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

"(c)(1) Under such regulations as the President may prescribe, an agency may pay, subject to paragraph (3) of this subsection, the expenses described in paragraph (2) of this subsection in any case in which the head of the agency determines that the payment of such expenses is necessary for the purpose of recruiting or retaining an employee for service of a tour of duty at a post of duty in Alaska or Hawaii.

"(2) The expenses payable under paragraph (1) of this subsection are the expenses of round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty in Alaska or Hawaii to the place of his actual residence at the time of appointment or transfer to the post of duty, incurred after he has satisfactorily completed an agreed period of service in Alaska or Hawaii and in returning to this actual place of residence to take leave before serving another tour of duty at the same or another post of duty in Alaska or Hawaii

under a new written agreement made before departing from the post of duty.

"(3) The payment of expenses of any employee and the transportation of his family under paragraph (1) of this subsection is limited to the expenses of travel and transportation incurred for not more than two round trips commenced within 5 years after the date the employee first commences any period of consecutive tours of duty in Alaska or Hawaii.".

(c) Notwithstanding section 5728(c)(3) of title 5, United States Code (as added by subsection (b)(2) of this section), the agency shall pay under section 5728(c)(1) of such title (as added by subsection (b)(2) of this section) the expenses of one round-trip of travel of an employee who has served on consecutive tours of duty at posts of duty in Alaska or Hawaii for a period beginning at least five years before the date of enactment of this Act and including such date and the expenses of transportation of such employee's immediate family on one round-trip.

(d) The amendments made by subsection (a) shall take effect with respect to expenses incurred after the date of enactment of this Act for round-trip travel (commenced after such date) of an employee or transportation of his immediate family from his post of duty to the place of his actual residence at the time of appointment or transfer to the post of duty.

(e) For the purposes of subsections (c) and (d), the term "employee" shall have the same meaning as provided in section 5721(2) of title 5, United States Code.

Subtitle C—Cost-of-Living Adjustments Uniformed Services

SEC. 361. For cost savings achieved through a limitation on the amount of the annual adjustment of retired and retainer pay of members and former members of the uniformed services, in satisfaction of the reconciliation requirements of section 2(b)(2), section 2(c)(2), and section 2(c)(4) of the first concurrent resolution on the budget for fiscal year 1983, see section 301 of this Act and section 1401a(b) of title 10, United States Code.

COAST GUARD

SEC. 362. For cost savings achieved through a limitation on the amount of the annual adjustment of retired and retainer pay of members and former members of the uniformed services, in satisfaction of the reconciliation requirements of section 2(b)(4) and section 2(c)(6) of the first concurrent resolution on the budget for fiscal year 1983, see section 301 of this Act and section 1401a(b) of title 10, United States Code.

FOREIGN SERVICE

SEC. 363. For cost savings achieved through a limitation on the amount of the annual adjustment of the annuity payable from the Foreign Service Retirement and Disability Fund, in satisfaction of the reconciliation requirements of section 2(b)((5) and section 2(c)(5) of the first concurrent resolution on the budget for fiscal year 1983, see section 301 of this Act and sections 826 and 827 of the Foreign Service Act of 1980.

TITLE IV—VETERANS' BENEFITS

COMMENCEMENT OF CERTAIN PERIODS OF PAYMENT

SEC. 401. (a)(1) Chapter 51 of title 38, United States Code, is amended by inserting after section 3010 the following new section:

"§ 3011. Commencement of period of payment

"(a) Notwithstanding section 3010 of this title or any other provision of law and except as provided in subsection (c) of this section, payment of monetary benefits based on an award or an increased award of compensation, dependency and indemnity compensation, or pension may not be made to an individual for any period before the first day of the calendar month following the month in which the award or increased award became effective as provided under section 3010 of this title or such other provision of law.

"(b)(1) Except as provided in paragraph (2) of this subsection, during the period between the effective date of an award or increased award as provided under section 3010 of this title or other provision of law and the commencement of the period of payment based on such award as provided under subsection (a) of this section, an individual entitled to receive monetary benefits shall be deemed to be in receipt of such benefits for the purpose of all laws administered by the Veterans' Administration.

"(2) If any person who is in receipt of retired or retirement pay would also be eligible to receive compensation or pension upon the filing of a waiver of such pay in accordance with section 3105 of this title, such waiver shall not become effective until the first day of the month following the month in which such waiver is filed, and nothing in this section shall prohibit the receipt of retired or retirement pay for any period before such effective date.

"(c) This section shall apply to payments made pursuant to section 3110 of this title only if the monthly amount of dependency and indemnity compensation or pension payable to the surviving spouse is greater than the amount of compensation or pension the veteran would have received, but for such veteran's death, for the month in which such veteran's death occurred.

"(d) For the purposes of this section, the term 'award or increased award' means—

"(1) an original or reopened award; or

"(2) an award that is increased because of an added dependent, increase in disability or disability rating, or reduction in income.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3010 the following new item:

"3011. Commencement of period of payment.".

(b) Section 3011 of title 38, United States Code, as added by subsection (a), shall apply to awards and increased awards the effective dates of which are after September 30, 1982.

ADVANCEMENT OF EFFECTIVE DATE OF CERTAIN REDUCTIONS OF COMPENSATION AND PENSION

SEC. 402. (a) Section 3012(b)(2) of title 38, United States Code, is amended by striking out "calendar year" and inserting in lieu thereof "month".

(b) The amendment made by subsection (a) shall apply with respect to any marriage, annulment, divorce, or death that occurs after September 30, 1982.

ROUNDING DOWN OF PENSION TO NEAREST DOLLAR

SEC. 403. (a)(1) Chapter 51 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3023. Rounding down of pension rates

"The monthly or other periodic rate of pension payable to an individual under section 521, 541, or 542 of this title or under section 306(a) of the Veterans' and Survivors' Pension Improvement Act of 1978 (Public Law 95-588), if not a multiple of $1, shall be rounded down to the nearest dollar.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3023. Rounding down of pension rates.".

(b) The amendment made by this section shall apply with respect to amounts payable for periods beginning after May 31, 1983.

ROUNDING RULE FOR CERTAIN RATES OF COMPENSATION

SEC. 404. (a) Section 314(p) of title 38, United States Code, is amended by inserting "down" after "rounded".

(b) The second sentence of section 315(2) of such title is amended to read as follows: "The amounts payable under this paragraph, if not a multiple of $1, shall be rounded down to the nearest dollar.".

(c) The amendments made by this section shall take effect on October 1, 1982.

ROUNDING DOWN OF FISCAL YEAR 1983 COMPENSATION COST-OF-LIVING INCREASE

SEC. 405. (a) In contemplation of the enactment, after the date of the enactment of this Act, of legislation providing for cost-of-living increases to be effective on October 1, 1982, in the rates of disability compensation and dependency and indemnity compensation under chapters 11 and 13, respectively, of title 38, United States Code, and the rounding down of the amounts so provided to the nearest dollar and the realigning of the amounts of disability compensation paid on account of dependents, the adjustments made by this section in the current rates under such chapters are enacted, effective January 1, 1983, with the intent that they be superseded by the rounded and realigned increased rates to be provided for in such legislation.

(b) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$58" in subsection (a) and inserting in lieu thereof "$57";

(2) by striking out "$162" in subsection (c) and inserting in lieu thereof "$161";

(3) by striking out "$413" in subsection (f) and inserting in lieu thereof "$412";

(4) by striking out "$604" in subsection (h) and inserting in lieu thereof "$603";

(5) by striking out "$62", "$1,403", "$62", and "$1,966" in subsection (k) and inserting in lieu thereof "$61", "$1,402", "$61", and "$1,965", respectively;

(6) by striking out "$1,403" in subsection (l) and inserting in lieu thereof "$1,402";

(7) by striking out "$1,547" in subsection (m) and inserting in lieu thereof "$1,546";

(8) by striking out "$1,758" in subsection (n) and inserting in lieu thereof "$1,757";

(9) by striking out "$1,966" each place it appears in subsections (o) and (p) and inserting in lieu thereof in each such place "$1,965";

(10) by striking out "$844" and "$1,257" in subsection (r) and inserting in lieu thereof "$843" and "$1,256", respectively;

(11) by striking out "$1,264" in subsection (s) and inserting in lieu thereof "$1,263"; and

(12) by striking out "$244" in subsection (t) and inserting in lieu thereof "$243".

(c) Section 315 of such title is amended—

(1) by striking out "$116" in clause (1)(B) and inserting in lieu thereof "$115";

(2) by striking out "$38" in clause (1)(D) and inserting in lieu thereof "$37"; and

(3) by striking out "$38" in clause (1)(G) and inserting in lieu thereof "$37".

(d) Section 362 of such title is amended by striking out "$305" and inserting in lieu thereof "$304".

(e)(1) Subsection (a) of section 411 of such title is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate
E-1	$414
E-2	427
E-3	438
E-4	466
E-5	479
E-6	490
E-7	514
E-8	541
E-9	[1] 566
W-1	524
W-2	545
W-3	561
W-4	594
O-1	524
O-2	541
O-3	579
O-4	612
O-5	675
O-6	760
O-7	823
O-8	902
O-9	969
O-10	[2] 1,060

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $609.

[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,137.".

(2) Subsection (b) of such section is amended by striking out "$48" and inserting in lieu thereof "$47".

(3) Subsection (c) of such section is amended by striking out "$125" and inserting in lieu thereof "$124".

(4) Subsection (d) of such section is amended by striking out "$62" and inserting in lieu thereof "$61".

(f) Section 413 of such title is amended—

(1) by striking out "$210" in clause (1) and inserting in lieu thereof "$209";

(2) by striking out "$301" in clause (2) and inserting in lieu thereof "$300";

(3) by striking out "$389" in clause (3) and inserting in lieu thereof "$388"; and

(4) by striking out "$389" and "$79" in clause (4) and inserting in lieu thereof "$388" and "$78", respectively.

(g) Section 414 of such title is amended—

(1) by striking out "$125" in subsection (a) and inserting in lieu thereof "$124";

(2) by striking out "$210" in subsection (b) and inserting in lieu thereof "$209"; and

(3) by striking out "$107" in subsection (c) and inserting in lieu thereof "$106".

(h) The amendments made by this section shall take effect on January 1, 1983.

FEE FOR HOME LOANS

SEC. 406. (a)(1) Subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 1829. Loan fee

"(a) Except as provided in subsection (b) of this section, a fee shall be collected from each veteran obtaining a housing loan guaranteed, made, or insured under this chapter, and no such loan may be guaranteed, made, or insured under this chapter until the fee payable with respect to such loan has been remitted to the Administrator. The amount of the fee shall be one-half of one percent of the total amount. The amount of the fee may be included in the loan to the verteran and paid from the proceeds thereof.

"(b) A fee may not be collected under this section from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) or from a surviving spouse described in section 1801(b)(2) of this title.

"(c) Fees collected under this section shall be deposited into the Treasury of the United States as miscellaneous receipts.

"(d) A fee may not be collected under this section with respect to any loan closed after September 30, 1985.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1828 the following new item:

"1829. Loan fee.".

(b) Section 1829 of title 38, United States Code, as added by subsection (a), shall apply only to loans closed after September 30, 1982.

TITLE V—COMMERCE, SCIENCE, AND TRANSPORTATION

FEDERAL COMMUNICATIONS COMMISSION

SEC. 501. (a) Upon expiration of the term of office as a member of the Federal Communications Commission, which is prescribed by law to occur on June 30, 1982, any member appointed to fill such office after such date shall be appointed for a term which ends on June 30, 1983, and such office shall be abolished on July 1, 1983. Upon expiration of the term of office as a member of such Commission, which—

(1) is prescribed by law;

(2) is in effect before the date of the enactment of this Act; and

(3) is to occur on June 30, 1983;

no person shall be appointed to fill such office after such date, and such office shall be abolished on July 1, 1983.

(b)(1) Section 4(a) of the Communications Act of 1934 (47 U.S.C. 154(a)) is amended by striking out "seven" and inserting in lieu thereof "five".

(2) The last sentence of section 4(b) of the Communications Act of 1934 (47 U.S.C. 154(b)) is amended to read as follows: "The maximum number of commissioners who may be members of the same political party shall be a number equal to the least number of commissioners which constitutes a majority of the full membership of the Commission.".

(3) Section 4(h) of the Communications Act of 1934 (47 U.S.C. 154(h)) is amended by striking out "Four" and inserting in lieu thereof "Three".

(4) The amendments made in paragraphs (1), (2), and (3) of this subsection shall take effect on July 1, 1983.

INTERSTATE COMMERCE COMMISSION

SEC. 502. (a) Effective January 1, 1983, each office within the Interstate Commerce Commission provided in section 10301(b) of title 49, United States Code (except one of the two offices prescribed by law to expire on December 31, 1984), which was vacant on July 1, 1982, is abolished.

(b) Effective Janaury 1, 1983, section 10301(b) of title 49, United States Code, is amended (1) by striking out "11" and inserting in lieu thereof "7", and (2) by striking out "6 members" and inserting in lieu thereof "4 members".

(c) Upon the expiration of the term of office as a member of the Interstate Commerce Commission which is prescribed by law to expire on December 31, 1982, any person appointed to fill such office after such date shall be appointed for a term of office which ends on December 31, 1985 and such office shall be abolished immediately after the expiration of that date.

(d) Upon the expiration of the term of office as a member of the Interstate Commerce Commission which is prescribed by law to expire on December 31, 1983, any person appointed to fill such office after such date shall be appointed for a term of office which ends on December 31, 1985, and such office shall be abolished immediately after the expiration of that date.

(e) Effective January 1, 1986, section 10301(b) of title 49, United States Code, is amended (1) by striking out "7" and inserting in lieu thereof "5", and (2) by striking out "4 members" and inserting in lieu thereof "3 members".

(f) Nothing in subsection (c) or (d) of this section shall be construed as prohibiting the reappointment of any person serving in such office in terms expiring on December 31, 1982, or December 31, 1983, respectively.

(g) The term of office of one of the two persons appointed to fill an office, as a member of the Interstate Commerce Commission, the term for which is prescribed by law to expire on December 31, 1987, shall end on December 31, 1991. At the time of the first of such two appointments, the President shall designate which appointment is to fill the term of office which shall end under the preceding sentence on December 31, 1991.

(h)(1) Section 10301(c) of title 49, United States Code, is amended by striking out "7 years" and inserting in lieu thereof "5 years".

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1984, and shall apply to any person appointed, after such date, to fill any office, as a member of the Interstate Commerce Commission, the term for which is prescribed by law to expire after such date, except that such amendment shall not apply to the person designated by the President to fill the term of office which is to end under subsection (g) of this section on December 31, 1991.

And the Senate agree to the same.

Committee on the Budget: For consideration of the entire House bill and Senate amendment:

JIM JONES,
LEON PANETTA,
RICHARD A. GEPHARDT,
DELBERT LATTA,
BILL FRENZEL,

Solely for consideration of title I of the House bill and title I of the Senate amendment:

LES ASPIN,
BRIAN DONNELLY,

Committee on Agriculture: Solely for consideration of title I of the House bill and title I of the Senate amendment:

E DE LA GARZA,
THOMAS S. FOLEY,
DAVID R. BOWEN,
BILL WAMPLER,
PAUL FINDLEY
(on all matters except as listed below),

TOM HAGEDORN
(on all matters except as listed below),
E. THOMAS COLEMAN
(in lieu of Mr. HAGEDORN) on sections 160-186 of the House bill and sections 101-150 of the Senate amendment (food stamps),
WM. THOMAS
(in lieu of Mr. FINDLEY) on sections 101-130 of the House bill and section 151 of the Senate amendment (dairy),

Committee on Foreign Affairs: Solely for consideration of section 130 of the House bill and that portion of section 101 of the House bill which adds subparagraphs 201(d)(8)(D)(iii)-(v) to the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981, and section 154 of the Senate amendment:

CLEMENT J. ZABLOCKI,
LEE H. HAMILTON,
JONATHAN B. BINGHAM,
WM. BROOMFIELD,

Committee on Banking, Finance and Urban Affairs: Solely for consideration of title II of the House bill and title III of the Senate amendment:

FERNAND J. ST GERMAIN,
HENRY GONZALEZ,
FRANK ANNUNZIO,
J. W. STANTON,
CHALMERS WYLIE,

Committee on Energy and Commerce: Solely for consideration of sections 402 and 403 of the Senate amendment:

JOHN G. DINGELL,
TIMOTHY E. WIRTH,
J. J. FLORIO,
JAMES T. BROYHILL,
N. F. LENT,

Committee on Public Works and Transportation: Solely for consideration of section 403 of the Senate amendment:

GLENN M. ANDERSON,
NICK RAHALL,
BOB EDGAR,
DON H. CLAUSEN,
BUD SHUSTER,

Committee on Post Office and Civil Service: Solely for consideration of title III of the House bill and sections 601-604 and 606-610 of the Senate amendment:

WILLIAM D. FORD,
MO UDALL,
W. CLAY,
ED J. DERWINSKI,
GENE TAYLOR,

Committee on Government Operations: Solely for consideration of sections 605 and 611 of the Senate amendment:

JACK BROOKS,
JOHN L. BURTON,
DAVE EVANS,
FRANK HORTON,
BOB WALKER,

Committee on Veterans' Affairs: Solely for consideration of title IV of the House bill and sections 701-706 and 708 of the Senate amendment:

G. V. MONTGOMERY,
MARVIN LEATH,
JOHN PAUL HAMMERSCHMIDT,
CHALMERS WYLIE,

Managers on the Part of the House.

Committee on the Budget:

PETE V. DOMENICI,
W. L. ARMSTRONG,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
JOHN TOWER,

Committee on Agriculture, Nutrition, and Forestry: For title I:

JESSE HELMS,
BOB DOLE,
S. I. HAYAKAWA,
DICK LUGAR,
WALTER D. HUDDLESTON,

Committee on Banking, Housing, and Urban Affairs: For title III:

JAKE GARN,
JOHN TOWER,
DICK LUGAR,
DON RIEGLE,

Committee on Commerce, Science, and Transportation: For sections 402 and 403 of title IV:

BOB PACKWOOD,
BARRY GOLDWATER,
TED STEVENS,
HOWARD CANNON,

Committee on Governmental Affairs: For title VI:

BILL ROTH,
TED STEVENS,
MACK MATTINGLY,

Committee on Veterans' Affairs: Solely for consideration of title IV of the House bill and sections 701-706 and 708 of the Senate amendment:

AL SIMPSON,
STROM THURMOND,
ROBERT T. STAFFORD,
ALAN CRANSTON,
JENNINGS RANDOLPH,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6955) to provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, Ninety-seventh Congress), submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The joint statement of managers which follows was prepared by the committees of jurisdiction, but is arranged by title of the conference agreement. A brief overview by the Committees on the Budget appears at the beginning.

STATEMENT OF BUDGET COMMITTEE MANAGERS

By approving the First Budget Resolution for Fiscal Year 1983, which included reconciliation instructions, Congress continued and expanded its efforts to maintain control over Federal expenditures. Those reconciliation instructions directed eight Senate and nine House committees to report legislation achieving unprecedented reductions which impact on Federal spending during fiscal years 1983, 1984, and 1985.

The legislative recommendations reported by the Senate Finance Committee and the House Ways and Means and Energy and Commerce Committees were incorporated into H.R. 4961, the Tax Equity and Fiscal Responsibility Act of 1982, which has been approved by a separate Senate-House conference committee. This bill (H.R. 6955) incorporates the legislative recommendations of the other Senate and House committees.

The provisions of the Omnibus Reconciliation Act of 1982 are the culmination of the work of the committees in complying with the reconciliation directives. The savings which have been achieved compare favorably with the reconciliation bills as passed by the House and Senate.

The managers for the Committees on the Budget wish to acknowledge the extraordinary efforts of the conference participants, particularly the chairmen and ranking Members of the House and Senate committees, in achieving these savings.

The Senate bill contained "Sense of the Senate" language directing the conferees on H.R. 4961 to include in the conference report on that measure a provision for a Federal supplemental unemployment benefits program. The House bill contained no such provision.

In view of the fact that the conferees for H.R. 4961, the Tax Equity and Fiscal Responsibility Act of 1982, have included a provision relating to supplemental unemployment benefits, this language is no longer necessary. The Senate therefore recedes to the House.

The Senate Committees on Armed Services; Commerce, Science, and Transportation; and Foreign Relations; and the House Committees on Armed Services; Energy and Commerce; Foreign Affairs; and Merchant Marine and Fisheries were instructed in the First Budget Resolution to report recommended changes in direct spending programs (as defined by subsection 401(c)(2)(C) of the Budget Act) within their jurisdiction. Savings under the jurisdiction of these committees will occur automatically under this bill because the Senate Committee on Governmental Affairs and the House Committee on Post Office and Civil Service recommended changes in cost-of-living adjustments (COLAs) for civil service retirees. The uniformed service and foreign service retiree COLAs are tied by law to the civil service retirement COLA. The Senate bill included provisions in title II, IV, and V to clarify how the reconciliation instructions for the Senate Committees on Armed Services; Commerce, Science, and Transportation; and Foreign Relations were met.

The House recedes to the Senate with an amendment to clarify how the reconciliation instructions for the House Committees on Armed Services, Energy and Commerce, Foreign Affairs, and Merchant Marine and Fisheries were met.

What follows in this statement of managers is a title by title explanation of the conference agreement. This explanation has been prepared by the committees which determined the provisions of the conference agreement which are in their separate jurisdictions.

TITLE I—AGRICULTURE, FORESTRY, AND RELATED PROGRAMS

SUBTITLE A—DAIRY PRICE SUPPORT PROGRAM

The House bill amends the statute governing the dairy price support program to provide that:

(a) A two-tier price support program would be effective for fiscal years 1983, 1984, and 1985.

(b) For that portion of the national milk supply needed to meet domestic commercial market needs, the price support level would be: (1) for fiscal year 1983—$13.10 per cwt. and (2) for fiscal years 1984 and 1985—a level that represents the percentage of parity that $13.10 per cwt. represented as of October 1, 1982.

For that portion of the national milk supply excess to domestic commercial market needs, the support level would be the higher tier level of support reduced by such uniform rate as determined by the National Dairy Board as necessary to recover the funds required to meet that portion of the cost of the price support program that is the responsibility of milk producers.

(c) The funds represented by such reduction would be remitted to CCC by each person making payment to producers for milk purchased from the producer, and in the case of a producer who markets his own milk directly to consumers the funds would be remitted by the producer.

(d) Producers of milk would have responsibility each fiscal year for that portion of the cost of purchases by CCC under the price support program in excess of 5 billion pounds milk equivalent, related costs, the amount of marketing reduction incentive payments due producers for reductions in their milk production, expenses of the National Dairy Board, and any balance remaining from the past year on advances made to the Board by CCC. There would be deducted from such total amount the estimated receipts from the sale or transfer of dairy products in CCC inventories.

(e) If dairy product imports should be increased under section 22 of the Agricultural Adjustment Act, the portion of the cost of the price support program that is the responsibility of producers would be reduced by the milk equivalent of the increased imports.

(f) The price of milk would be supported through the purchase of milk and its products, all such purchases to be made at the higher level of support.

(g) If the lower tier support rate is in effect, nontransferable incentive payments would be made to producers whose marketings of milk during the current period have been reduced from their marketings during the corresponding period of the prior year. The payment would be made on a quantity of milk up to the quantity on which the person was paid at the lower tier support rate and at a rate of payment that could not exceed the difference between the higher and lower tier support levels. If the lower tier support rate is provided for consecutive fiscal years, the Board would recognize actions taken by producers in reducing milk marketings in prior years, except to the extent that such reduction had been offset by increases in subsequent years.

(h) Program decisions would be made by a National Dairy Board consisting of 16 members including the Secretary, 15 members of the Board to be appointed by the President with the advice and consent of the Senate from recommendations submitted by organizations representing milk producers and certified by the Secretary. The Board would have authority to dispose of dairy products acquired through price support operations, including those acquired before the date of enactment of the bill. Dispositions would include sales to the domestic commerical trade for unrestricted use at not less than the current market price or 110 percent of the current CCC purchase price based on the higher tier support price, transfers to Federal, State, and local agencies for food assistance programs, sales for commercial export and other sales or donation efforts. The Board could require the operation of the program to be carried out through products other than those purchased by the CCC.

The proceeds from inventory disposition operations would be credited to the account of the Board. Dairy products up to 5 billion pounds milk equivalent would be made available for child nutrition and similar programs, including those conducted under the Older Americans Act at the request of the Secretary without cost.

(i) Nominations to the initial Board would be submitted to the Senate not later than January 1, 1983, and as a transition matter the Secretary of Agriculture would exercise the authority of the Board until such time as the Board was functioning but not later than April 1, 1983.

(j) The Secretary's responsibilities would include providing for collection of the funds resulting from payments on marketings by farmers of their excess production, providing the facilities and support required by the Board, and otherwise cooperating with the Board in the performance of its duties.

(k) Provisions for enforcement are included in the bill, including payments of penalties by persons who willfully fail or refuse to remit amounts due under the program.

The Senate amendment provides that, effective for the period beginning with December 22, 1981, and ending September 30, 1985, the support price for milk shall be set at the level determined appropriate by the Secretary, but not less than $13.10 per hundredweight for milk containing 3.67 percent milk fat.

The Conference substitute amends the statute governing the dairy price support program to provide that:

(a) The price support level for the years beginning October 1, 1982, and October 1, 1983, would be not less than $13.10 per hundredweight; and for the year beginning October 1, 1984 would be not less than the percent of parity that $13.10 per hundredweight represents as of October 1, 1983.

(b) The Secretary would be given authority to provide for a deduction of 50 cents per hundredweight for the period beginning October 1, 1982, and ending September 30, 1985, from the proceeds of sale of all milk marketed by producers to be remitted to Commodity Credit Corporation to offset a portion of the cost of the price support program. Authority for this deduction would not apply for any fiscal year for which the projected annual price support purchases are less than 5 billion pounds milk equivalent. If at any time during a fiscal year, the Secretary should estimate that such net price support purchases during that fiscal year would be less than 5 billion pound, the authority for making deductions would not apply for the balance of the year.

(c)(1) The Secretary would be given authority to provide for an additional deduction of 50 cents per hundredweight for the period beginning April 1, 1983, and ending September 30, 1985, to be remitted to Commodity Credit Corporation subject to the following conditions.

(2) The provision for this deduction could only be implemented if the Secretary established a program to refund the assessment to farmers that reduce their commercial marketings from a base period. The base period would be the fiscal year beginning October 1, 1981, or at the option of the Secretary, the average of the two fiscal years beginning October 1, 1980. The Secretary may make adjustments in individual bases to correct for abnormal factors affecting production and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. The refunds would be based on reductions in commercial marketings, as specified by the Secretary, but the Secretary could not require a reduction of marketings in excess of a reduction equivalent to the ratio that the total projected surplus milk for the fiscal year bears to the total milk production estimated for such period.

(3) Authority for the additional deduction would not apply for any fiscal year for which projected annual purchases by Commodity Credit Corporation are less than 7.5 billion pounds. If at any time during a fiscal year the Secretary should estimate that such net price support purchases during that fiscal year would be less than 7.5 billion pounds. If at any time during a fiscal year the Secretary should estimate that such net price support purchases during that fiscal year would be less than 7.5 billion pounds, the authority for making the additional deduction would not apply for the balance of the year.

(d) The Secretary would be responsible for administration of the program described above, and provisions for a Dairy Board as contained in the House bill would be deleted.

SUBTITLE—DAIRY PROMOTION

The House bill provides new authority for a National Dairy Products Promotion program to improve markets and income for United States dairy producers as follows:

(a) The program would be funded by a uniform nonrefundable check-off of 5 cents per hundredweight on all milk marketed.

(b) Initiation of the program would be subject to approval of a proposed promotion order in an industry-wide referendum of dairy producers in which a majority of those voting favor the proposed order. Approval by a milk marketing cooperative of producers would be considered as the approval of member producers, except that the cooperative must provide its members an opportunity to vote if they should so wish.

(c) An additional referendum would be held at the end of a 5-year period to determine whether milk producers favor continuation of the order.

(d) The program would be administered by a Board of Directors of not less than 36 members appointed by the Secretary of Agriculture from nominees submitted by producers and selected on a geographical basis to assure representation of all milk producing regions.

(e) Promotional activities of the Board would be limited to processed dairy products for the first 2 years of the program and must make no reference to any private brand or name.

(f) The government would be reimbursed for its costs (other than salaries paid to government employees incurred in administration of the program from assessments collected from milk producers).

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

SUBTITLE B—DONATION OF DAIRY PRODUCTS

The House bill provides additional authority to the Commodity Credit Corporation to dispose of dairy products acquired under the price support program to needy households in the United States and through foreign governments and public and nonprofit private humanitarian organizations for assistance to needy persons outside the United States. The CCC would be authorized to pay reprocessing, packaging, transportation, handling and other charges incurred on the donated commodities.

In order to assure that any such donations for use outside the United States are coordinated with and complement other United States foreign assistance, such donations must be coordinated through the mechanism designated by the President to coordinate assistance under Public Law 480 and shall be in addition to the level of assistance programmed under that Act.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment to make clear that the donations for distribution in the United States would include donations to meet the needs of persons receiving nutrition assistance under the Older Americans Act of 1965.

With respect to the donation of dairy stocks abroad, the Conferees stress that care must be exercised to avoid unintended harmful effects from distribution of dairy products, particularly within developing countries with poor populations. The inability of some needy groups to consume nonfat dried milk without further processing, their particular dietary needs and deficiencies, and the lack of sanitary facilities and potable water are among the factors taken into account in food distributions carried out under Public Law 480, title II aid programs. The Conferees intend that safeguards similar to those exercised under title II, Public Law 480 programs also apply to donations under the new authority.

SUBTITLE C—ADJUSTMENT PROGRAM FOR THE 1983 CROPS OF WHEAT, FEED GRAINS, AND RICE

(1) Advance deficiency payments

The Senate amendment provides for the Secretary to make advance deficiency payments for the 1982 through 1985 crops of wheat, feed grains, upland cotton, and rice whenever an acreage limitation or set-aside is implemented by the Secretary. For the 1982 and 1983 crops, the Secretary would be required to make advance payments, as follows: (a) for 1982 crops, the payment would equal 70 percent of the projected final payment and would be made as soon as practicable after October 1, 1982; and (b) for 1983 crops, the payment would be up to 50 percent of the projected final payment and would be made as soon as practicable after producers sign up for the programs, but not before October 1, 1982. For the 1984 and 1985 crops, the Secretary would be authorized, but not required, to make advance payments in amounts up to 50 percent of the projected final payments. Any overpayments are required to be refunded to the Secretary by producers by the end of the marketing year for the crop involved. Any advance payments made to a producer who fails to meet the program requirements must be repaid, with interest, immediately.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(2) Loan rates for wheat and feed grains

(a) The House bill increases the minimum loan level for the 1983 crop of wheat to $3.80 per bushel (a 25-cent per bushel increase over the 1982 loan level).

The Senate amendment contains no comparable provision.

The Conference substitute increases the minimum loan rate for the 1983 crop of wheat to $3.65 per bushel.

(b) The House bill also increases the minimum loan level for the 1983 crop of corn to $2.71 per bushel (a 16-cent per bushel increase over the 1982 loan level). The loan price support level for the other feed grains would be set under current law at such level as the Secretary determines fair and reasonable in relation to the level set for corn.

The Senate amendment contains no comparable provision.

The Conference substitute increases the minimum loan rate for the 1983 crop of corn to $2.65 per bushel.

(3) 1983 wheat acreage reduction program

(a) The House bill requires the Secretary to provide for a 1983 wheat acreage limitation program under which the acreage planted to wheat would be limited to the wheat acreage base for the farm reduced by 15 percent and a paid diversion program under which the wheat acreage on the farm would be reduced an additional 10 percent of the wheat acreage base. The House bill further makes participation in both the acreage limitation and land diversion programs a condition of eligibility for program benefits.

The Senate amendment requires the Secretary to provide for a wheat acreage limitation program and paid diversion program on the 1983 crop of wheat under which the wheat acreage would be reduced in the same amounts as in the House provision. The Senate amendment requires participation in the acreage limitation program as a condition of eligibility for program benefits but makes participation in the land diversion program voluntary for producers.

The Conference substitute requires the Secretary to provide for an acreage limitation program under which the acreage planted to wheat on the farm would be limited to the farm acreage base reduced by 15 percent and a diversion program under which the wheat acreage would be reduced an additional 5 percent of the wheat acreage base. Producers would be required to participate in both the acreage limitation program and diversion program as a condition of eligibility for program benefits. This requirement is a minimum. Under the statute, the Secretary could implement a program which requires a producer to make greater reductions in the planted acreage than a total of 20 percent of the wheat acreage base. This could be accomplished by increasing the requirements for diversion in excess of 5 percent of the wheat acreage base or by increasing the reduction required to be made under the acreage limitation program. In the latter event, however, the Secretary must increase the diversion requirement in an amount proportionate to any increased reduction required to be made under the acreage limitation program.

(b) The House bill provides that the payment for participation in the land diversion program would be at a rate of $3 per bushel multiplied by the farm program payment yield for the crop by the acreage diverted under the diversion program.

The Senate amendment provides that the payment for participation in the land diversion program would be at a rate not less than $120 per acre as determined appropriate by the Secretary. The payment rate would be adjusted by the Secretary for each farm to reflect differences in yield per acre among wheat farms.

The Conference substitute adopts the House provision with an amendment that provides that the diversion payment would be a minimum of $3 per bushel and that the Secretary would be authorized to reduce the payment rate up to a maximum of 10 percent if the Secretary determines that the same program objective could be achieved with the lower rate.

(4) 1983 feed grain acreage reduction program

(a) The House bill requires the Secretary to provide for a feed grain acreage limitation (or set-aside) program for the 1983 crop of feed grains under which the acreage planted to feed grains would be limited to the feed grain acreage base for the farm reduced by 10 percent and a paid diversion program under which the feed grain acreage would be reduced by an additional 10 percent of the feed grain acreage base, if the Secretary estimates on October 15, 1982, that the 1982 corn crop will exceed 7.3 billion bushels. The House bill further requires participation in both the acreage limitation program and the land diversion program as a condition of eligibility for program benefits.

The Senate amendment requires the Secretary to provide for a feed grain acreage limitation program and paid diversion program on the 1983 crop of feed grains under which the feed grain acreage would be reduced in the same amounts as in the House provision. The Senate amendment, however, does not make the programs contingent on the estimated production of the 1982 crop of corn and requires participation in the acreage limitation program as a condition of eligibility for program benefits, but makes participation in the land diversion program voluntary for producers.

The Conference substitute requires the Secretary to provide for an acreage limitation (or set-aside) program under which the acreage planted to feed grains on the farm would be limited to the feed grain acreage base for the farm reduced by 10 percent and a diversion program under which the feed grain acreage would be reduced an additional 5 percent of the feed grain acreage base. Producers would be required to participate in both the acreage limitation (or set-aside) program and diversion program as a condition of eligibility for program benefits. This requirement is a minimum. Under the statute, the Secretary could implement a program which requires a producer to make greater reductions in the planted acreage. In such event, the comments made above with respect to the wheat acreage reduction program would apply as well to the feed grain acreage reduction program.

(b) The House bill provides that the payment for participation in the land diversion program would be at a rate, in the case of corn, of $1.50 per bushel multiplied by the farm program payment yield by the acreage diverted under the diversion program.

The Senate amendment provides that the payment for participation in the land diversion program would be at a rate, in the case of corn, of not less than $150 per acre—the rate to be adjusted to reflect differences in

yield per acre among feed grain producing farms.

The Conference substitute adopts the House provision with an amendment that provides that the corn diversion payment would be a minimum of $1.50 per bushel and that the Secretary would be authorized to reduce the payment rate up to a maximum of 10 percent if the Secretary determines that the same program objective could be achieved with the lower rate.

(5) Acreage base for the farm

(a) The House bill provides that the acreage base for the farm for the 1983, 1984, and 1985 crops of wheat and feed grains shall be the same as the acreage base for the 1982 crop, as adjusted, to reflect factors the Secretary determines should be considered in determining a fair and equitable base. It further provides that the acreage base for producers following a normal summer fallow crop rotational practice for at least 3 years shall be the previous year's acreage (or the average acreage for the 2 previous years) expanded by adding to it the amount determined by multiplying one-half the announced acreage limitation percentage by the acreage annually idled and devoted to summer fallow.

The Senate amendment provides that the acreage base for the farm for the 1983 crop of wheat and feed grains shall be the same as the acreage base for the 1982 crop, as adjusted for factors, which in the case of wheat include summer fallow.

The Conference substitute provides that the acreage base for the farm for the 1983 crop of wheat and feed grains shall be the same as the acreage base for the 1982 crop, as adjusted to reflect factors the Secretary determines should be considered in determining a fair and equitable base. In making adjustments in the base, the Secretary is expected to consider the special problems of producers that follow a normal summer fallow crop rotational practice.

(b) The House bill provides that the acreage base for the farm for the 1983, 1984, and 1985 crops of upland cotton and rice shall be the same as the acreage base for the 1982 crop of such commodities with adjustments to reflect factors the Secretary determines should be considered in determining a fair and equitable base.

The Senate bill contains no comparable provisions.

The Conference substitute provides that the acreage base for the farm for the 1983 crop of rice shall be the same as the acreage base for the 1982 crop with adjustments to reflect factors the Secretary determines should be considered in determining a fair and equitable base. The conference substitute deletes the House provision relating to the acreage base for upland cotton.

(6) 1983 upland cotton acreage reduction program

(a) The House bill requires that if the Secretary should establish a reduction program for the 1983 crop of upland cotton, 25 percent of any acreage reduction must be under a paid diversion program and the balance under the acreage limitation program. Upland cotton producers must comply with the combined acreage reduction and paid diversion programs to be eligible for program benefits.

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision. If the Secretary should establish an acreage reduction program for the 1983 crop upland cotton, the conferees urge the Secretary to implement a paid diversion program in combination therewith.

(b) The House bill provides that the 1983 crop upland cotton producer who meets the combined acreage reduction requirement shall receive a diversion payment determined by multiplying a rate of 25 cents per pound, by the farm program payment yield, and by the additional acreage diverted under the paid diversion program.

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(7) 1983 rice acreage reduction program

(a) The House bill requires that if on November 15, 1982, the Secretary estimates the 1982 crop of rice will exceed 145 million hundredweight (rough rice basis), the Secretary must provide for producers of the 1983 crop of rice an acreage limitation program under which the acreage planted to rice would be limited to the rice acreage base for the farm reduced by 10 percent of the rice acreage base and a paid diversion program under which the rice acreage would be reduced by an additional 10 percent of the rice acreage base. Producers must comply with both the acreage limitation and paid diversion programs to be eligible for program benefits.

The Senate bill contains no comparable provision.

The Conference substitute requires the Secretary to provide for producers of the 1983 crop of rice an acreage limitation program under which the acreage planted to rice would be limited to the rice acreage base for the farm reduced by 15 percent of the rice acreage base and a paid diversion program under which the rice acreage would be reduced by an additional 5 precent of the rice acreage base. Producers must comply with both the acreage limitation and paid diversion programs to be eligible for program benefits. This requirement is a minimum. Under the statue, the Secretary could implement a program which requires a producer to make greater reductions in the planted acreage of rice. In such event, the comments made above with respect to the wheat acreage reduction program would apply as well to the rice acreage reduction program.

(b) The House bill provides that the payment for participation in the 1983 crop rice land diversion program would be at a rate of $3.00 per hundredweight, multiplied by the farm program payment yield, by the additional acreage diverted under the paid diversion program.

The Senate bill contains no comparable provision.

The Conference substitute adopts the House provision with an amendment that makes the $3.00 per hundredweight a minimum rate and provides that the Secretary is authorized to reduce the payment rate up to a maximum of 10 percent if the Secretary determines that the same program objective could be achieved with the lower rate.

Advance diversion payments

The House bill provides in the case of 1983 crop wheat, feed grains, upland cotton, and rice, that the Secretary is required to advance at least 50 percent of any land diversion payments as soon as practicable after a producer enters into a land diversion contract. If Thereafter a producer fails to comply with the diversion contract, the producer must repay the advance with interest.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision as to wheat, feed grains, and rice, and deletes the House provision as to upland cotton.

SUBTITLE D—AGRICULTURAL EXPORT PROMOTION

The Senate amendment requires the Secretary of Agriculture for each of the fiscal years 1983, 1984, and 1985 to use between $175 million and $190 million of Commodity Credit Corporation funds for agricultural export promotion activities to discourage and neutralize agricultural export subsidy programs by foreign countries. The Secretary would be required to use the funds to (a) buy-down the rate of interest on export credit financing for a term of up to 10 years and guarantee the repayment of loans for which interest reduction payments are made, or (b) initiate export subsidy programs with respect to one or more agricultural commodities that have been or are involved in unfair trade practice cases under section 301 of the Trade Act of 1974, as amended, as the Secretary determines appropriate to neutralize subsidies on the same commodities by foreign countries. The Secretary must safeguard the usual marketings of U.S. agricultural commodities.

The House bill contains no comparable provision.

The Conference substitute provides that effective for each of the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985, the Secretary of Agriculture would be required to use not less than $175 million nor more than $190 million of funds of the Commodity Credit Corporation for export activities authorized to be carried out by the Secretary or by the Commodity Credit Corporation under current provisions of law. This authority would be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

These funds could be used, at the election of the Secretary, for a wide variety of market promotion activities authorized under current provisions of law. These activities include, among others, programs under which the Secretary could buy-down the rate of interest on export credit financing, guarantee the repayment of loans for which interest reduction payments are made, and carry out activities of the type provided for under section 1201 of the Agriculture and Food Act of 1981 (the Agricultural Export Credit Revolving Fund) and section 5(d) and (f) of the Commodity Credit Corporation Charter Act. These authorities apply to the broad spectrum of agricultural commodities and products produced in the United States for which there is export potential. The Conferees intend that the Secretary, to the greatest extent practicable and where appropriate, use these funds for interest buy-downs, or direct export sales, or export subsidies in order that American farmers and exporters may compete in international trade on an equal basis.

The Conferees are strongly concerned about the use of export subsidies by foreign countries in violation of obligations under trade agreements with the United States that have had the effect of impacting adversely on agricultural exports from the United States, contributing to the depressed farm economy in the United States.

These subsidies result in the displacement of potential exports of U.S. farm products in third-country markets, with a resulting

adverse impact on American and world prices. The Conferees express a continued commitment to the General Agreement on Tariffs and Trade (GATT) and its accompanying international obligations incumbent on the United States. At the same time the Conferees believe that the United States cannot tolerate unfair trade practices and should act to counter them in a direct way.

In this regard the Conferees call attention to the many pending cases initiated by the United States involving unfair trade practices under section 301 of the Trade Act of 1974, as amended.

The Conferees have deleted the specific provision in the Senate bill for the use of export subsidies by the Secretary to neutralize subsidies on the same commodities by foreign countries that are the subject of pending section 301 cases. This change was made in part as a result of assurances from the Administration that these cases will be pressed and resolved in a year. The Conferees do not intend that the funds made available by this provision be used, in any way, in contravention of international obligations of the United States, but on the other hand the Conferees do not want the United States to sit idly by while other countries make use of export subsidies to capture markets from the United States.

SUBTITLE E—FOOD STAMP ACT AMENDMENTS OF 1982

(1) Short title

The House bill provides that the food stamp amendments may be cited as the "Food Stamp Act Amendments of 1982."

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provisions.

(2) Definition of household

(a) The House bill requires that all parents and children or siblings who live together be treated as a single household, unless one of the parents or siblings is elderly or disabled.

The Senate amendment requires that all related persons who live together be treated as a single household, unless one of the related persons is elderly or disabled.

The Conference substitute adopts the House provision.

(b) The House bill specifies that an individual who lives with others, but who is 60 years of age or older and who is unable to purchase food and prepare meals because of a permanent disibility recognized by the Social Security disability program or a nondisease-related disabling physical or mental infirmity shall be treated as a separate household, together with his or her spouse, without regard to the purchase of food and preparation of meals, if the gross income of the other individuals with whom the person lives does not exceed 165 percent of the nonfarm income poverty guidelines.

The Senate amendment contains no comparable provisions.

The Conference substitute adopts the House provision.

While retaining the "purchase food and prepare meal separately" rule in the household definition for some categories of applicants—that is, unrelated persons, elderly and disable persons (except spouse), and nonsibling relatives—the conferees expect that eligibility workers could effectively question claim and that the burden of proof for establishing "separateness" in such cases would be placed on the household, rather than the administering agency.

With regard to household members, the conferees note that both the House bill and the Senate amendment contain provisions adding to the Food Stamp Act of 1977 a definition of the term "elderly or disabled member". The definition includes certain disabled veterans and disabled surviving spouses and children of veterans. The spouses and children covered by this definition are those who are, among other things, entitled to compensation for a service connected death or pension benefits for a nonservice connected death under title 38, United States Code. The conferees intend that the word "entitled", as used in this definition, includes only those spouses and children who are receiving such compensation or pension benefits or who have applied for and been adjudged entitled to such benefits.

(3) Thrifty food plan adjustments

The Senate amendment revises the measurement periods used for each October's adjustment of the cost of the thrifty food plan. The adjustment scheduled for October 1, 1982, will be based on food price changes for the 18 months ending March 31, 1982. The October 1983 adjustment will be based on changes in the 13-month period ending April 30, 1983. The October 1984 adjustment will be based on changes in the 13-month period ending May 31, 1984. The October 1985 adjustment will be based on changes in the 13-month period ending June 30, 1985. Each subsequent October 1 adjustment will be based on the 12 months ending the preceding June 30.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment providing that the October 1, 1982, adjustment of the cost of the thrifty food plan would be calculated by (i) adjusting the plan to reflect changes in the cost of food covered by the plan during the 21-month period ending June 30 1982, (ii) reducing the cost of the plan by 1 percent, and (iii) rounding the resulting figure. The cost adjustment to the thrifty food plan scheduled for October 1, 1983, and October 1, 1984, would be calculated by (i) adjusting the plan to reflect changes in the cost of food covered by the plan during the 12-month period ending the preceding June 30, (ii) reducing the cost of the plan by 1 percent, and (iii) rounding the resulting figure. The cost adjustment scheduled for October 1, 1985, and each October 1 thereafter would be calculated by (i) adjusting the plan to reflect changes in the cost of food covered by the plan during the 12-month period ending the preceding June 30 and (ii) rounding the resulting figure.

(4) Income standards of eligibility

The Senate amendment revises the income eligibility test for households without an elderly or disabled member to require that these households have net monthly incomes (after the various expense disregards and deductions) below 100 percent of the Federal poverty level, in addition to meeting the 130 percent of poverty gross income test, in order to be eligible for food stamps.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(5) Adjustment of deductions

The House bill delays the July 1, 1983, adjustment of the standard deduction until October 1, 1983.

The Senate amendment delays the July 1, 1983, adjustment of the standard deduction until October 1, 1984. The Senate amendment also revises the measurement periods used to adjust the standard deduction to provide that the adjustment for October 1, 1984, will be based on changes in the nonfood elements of the Consumer Price Index (CPI) for the 21-month period ending September 30, 1983; the adjustment for October 1, 1985, will be based on changes in the CPI during the 21-month period ending June 30, 1985; and the adjustments for October 1, 1986, and each October 1 thereafter will be based on changes in the CPI for the 12-month period ending the preceding June 30.

The Conference substitute adopts the House provision.

(6) Averaging income

The House bill provides that, in determining income for purposes of food stamp eligibility, income received on a weekly or biweekly basis from the same source shall be converted to a monthly amount of income.

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(7) Migrant farmworkers

The House bill precludes the Secretary of Agriculture from waiving, in the case of migrant farmworkers, the calculation of household income on a prospective basis as required by current law.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision.

(8) Financial resources

The Senate amendment precludes the Secretary, with some exceptions, from altering the food stamp financial resources limitations which were in effect as of June 1, 1982. The Senate amendment would also require accessible pension funds and savings or retirement accounts to be counted in determining whether the financial resources limitation has been exceeded.

The House bill contains no comparable provisions.

The Conference substitute adopts the Senate provision with an amendment deleting the reference to the cash value of any accessible pension funds.

The conferees intend that the provision requiring that retirement funds be counted as financial resources would only be applied to savings accounts, individual retirement accounts, and Keogh plans where no contractual relationship with other individuals is involved.

(9) Categorical eligibility

The House bill permits States to consider households in which all members receive aid to families with dependent children benefits, and (i) whose net income does not exceed 100 percent of the nonfarm poverty guideline in the case of households containing an elderly or disabled member, or (ii) whose gross income does not exceed 130 percent of the nonfarm poverty guideline in the case of all other households, as having satisfied the resource limitation requirements under the foods stamp program.

The Senate amendment permits States to consider households in which all members receive aid to families with dependent children benefits and whose gross income does not exceed 130 percent of the nonfarm poverty guidelines as having satisfied the resource limitation requirements under the food stamp program.

The Conference substitute adopts the Senate provision.

(10) Approval of periodic reporting forms

The Senate amendment removes the requirement that the Secretary of Agriculture design or approve the forms by the States for nonperiodic reporting of changes in household circumstances.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(11) Waiver of reporting requirements; cost effectiveness of monthly reporting systems

The House bill provides that a State agency may, with the approval of the Secretary and if it can show that monthly reporting would result in unwarranted administrative expense, select categories of households which may report at less frequent intervals. The House bill also excludes from monthly reporting requirements households without earned income in which all adult members are elderly or disabled.

The Senate amendment permits the Secretary of Agriculture, upon the request of a State, to waive any food stamp periodic reporting rules (other than those exempting certain categories of recipients from periodic reports) to the extent necessary to allow the State to establish periodic reporting rules for the food stamp program that are similar to those for the aid to families with dependent children program.

The Conference substitute adopts both the House and Senate provisions.

(12) Employment and job search requirements; voluntary quit

(a) The Senate amendment revises work registration and job search requirements to provide that an entire household would be disqualified for failure to comply with whatever reasonable job search requirements are prescribed by the Secretary. Such disqualification will remain in effect until the requirement is satisfied. The Senate amendment will also specifically provide that households will be ineligible to participate in the food stamp program if a member of the household subject to these provisions, without good cause, refuses to report for a job interview, refuses to provide information regarding employment status or availability for work, or refuses to report for a work opportunity.

The House bill contains no comparable provisions.

The conference substitute deletes the Senate provision.

(b) The House bill provides that, at the option of the state, job search requirements could be imposed on applicants, as well as recipients.

The Senate amendment permits the Secretary to impose job search requirements on applicants for food stamps, as well as recipients.

The Conference substitute adopts the House provision.

(c) The Senate amendment permits the Secretary to fix the starting point of the disqualification period for participants when a participant has voluntarily quit a job.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(d) The Senate amendment extends the definition of a voluntary quit without good cause (and the attendant period of ineligibility) to include Federal, State, or local Government employees who have been dismissed from their jobs because of participation in a strike against the Government entity involved.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(13) Parents and caretakers of children

The Senate amendment eliminates the exemption from work registration for parents or caretakers of children when the parent or caretaker is part of a household in which there is another able-bodied parent or caretaker subject to food stamp work requirements. The effect of this provision is to require a second parent or caretaker in a household to register for work when the youngest child in the household reaches age 6.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(14) Hours of employment

The Senate amendment revises the work registration requirement to exempt those individuals (i) employed a minimum of 150 hours per month or (ii) receiving monthly earnings equal to the applicable minimum wage rate multiplied by 150 hours, rather than those employed 30 hours per week or receiving earnings equivalent to the minimum wage times 30 hours.

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(15) Joint employment regulations

The Senate amendment removes the requirement for joint issuance of regulations on work registration by the Secretary of Agriculture and the Secretary of Labor and removes the requirement that these regulations be patterned after those for the work incentive program.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(16) College students

The Senate amendment revises food stamp eligibility requirements for post secondary students by limiting participation by students with dependents to those with dependent children under age 6 and students who are receiving aid to families with dependent children.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment providing that college students who are otherwise eligible to participate in the food stamp program may not be disqualified when the college student is the parent of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available.

(17) Income and assets of ineligible aliens

The Senate amendment requires that all the income and assets of an ineligible alien be attributed to the household of which the alien is a member for purposes of determining food stamp eligibility and benefits due the household.

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(18) Initial allotments

The House bill eliminates any prorated benefits of less than $10.

The Senate amendment requires food stamp benefits to be prorated to the day of application for recertification if the application for recertification occurs after the end of the last month for which benefits were received.

The Conference substitute adopts both the House and Senate provisions.

(19) Effect of noncompliance with other programs

The Senate amendment prohibits any increase in food stamp benefits to households on which a penalty resulting in a decrease in income has been imposed for intentional failure to comply with a Federal, State, or local welfare law.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(20) House-to-house trade routes

The Senate amendment authorizes the Secretary of Agriculture to limit the operation of house-to-house trade routes to those that are reasonably necessary to provide adequate access to households if the Secretary finds, in consultation with the Department's Inspector General, that operation of house-to-house trade routes damages the integrity of the food stamp program.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(21) Approval of State agency materials

The Senate amendment prohibits the Secretary of Agriculture from requiring that the States submit, for prior approval, State agency instructions, interpretations of policy, methods of administration, forms, or other materials, unless the State determines that they alter or amend its plan of operation for the food stamp program or conflict with the rights and levels of benefits to which households are entitled.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(22) Bilingual personnel and printed materials

The Senate amendment eliminates the requirement for State agencies to use appropriate bilingual personnel and printed materials in administering the food stamp program in those portions of political subdivisions in the State where a substantial number of low-income persons speak a language other than English. The Senate amendment gives the States the option of using such personnel and materials.

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The conferees understand that the Department of Agriculture has solicited comments from the States on the regulations relating to the use of bilingual personnel and material. The conferees support any efforts by the Department to eliminate burdensome requirements in this area.

(23) Points and hours of certification and issuance

The Senate amendment eliminates the requirement that State agencies comply with Federal standards with regard to points and hours of certification and issuance.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(24) Authorized representatives

The Senate amendment permits the Secretary of Agriculture (i) to restrict the number of households for which one individual may serve as an authorized representative and (ii) to establish criteria and verification standards for representatives and for households that may be represented.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

The conferees do not intend that households be barred from using authorized representatives on the basis of age, household composition, or employment status unless a determination has been made that such restrictions are a necessary means to control a documented pattern of abuse.

(25) Expedited service

The House bill provides that food stamps shall be provided on an expedited basis in accordance with regulations in effect on July 1, 1982, to destitute migrant or seasonal farmworker households and to any other household in immediate need because of no net income, as defined in sections 5 (d) and (e).

The Senate amendment requires that expedited 5-day service be provided to households (i) having gross incomes lower than $85 per month or headed by a destitute migrant or seasonal farmworker and (ii) having liquid assets of not more than $100. A State agency would not be required to provide this expedited service to a given household more than once in a 6-month period, unless that household is headed by a destitute migrant or seasonal farmworker. The State agency is required, to the extent practicable, to verify the income and resources of the recipient household prior to the issuance of food stamps.

The Conference substitute adopts the Senate provision with an amendment providing that 5-day service be provided to households (i) having gross incomes lower than $150 per month or that are destitute migrant or seasonal farmworker households in accordance with the regulations governing such households in effect July 1, 1982, and (ii) having liquid resources that do not exceed $100. The State agency would also be required, to the extent practicable, to verify the income and liquid resources of the household prior to issuance of coupons to the household.

(26) Duplicate receipt of food stamps

The Senate amendment requires State food stamp agencies to establish a system and take periodic action to verify that no individual is receiving food stamps in more than one jurisdiction in the State.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

The conferees understand that the Secretary will require State agencies to proceed promptly to implement this essential control on dual participation. The conferees recognize that not all States currently have the computer capability to begin immediate, comprehensive statewide control. In the interim, all States are expected to implement this control to the extent of their current capability and to proceed systematically toward upgrading their capabilities to achieve total State coverage of participants by the control system.

(27) Certification systems

The Senate amendment permits each State to choose whether (i) AFDC and general assistance households must have their food stamp application included in their AFDC or general assistance application, an (ii) food stamp applicants must be certified eligible based on information in their AFDC or general assistance case file, to the extent reasonably verified information is available in the file.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

The conferees emphasize that current procedures under which households terminated from the aid to families with dependent children program are kept on food stamps if still eligible are to be continued. A separate determination of food stamp eligibility must occur if a household is terminated from AFDC.

(28) Assurance of nonduplication with "cashed out" benefits

The House bill requires State agencies to determine at least annually whether households that have been "cashed out" of the food stamp program are also receiving food stamps.

The Senate amendment mandates that the Secretary of Agriculture require State food stamp agencies to conduct at least annual verification or other measures to ensure that individuals who have been "cashed out" of the food stamp program are not also receiving food stamps.

The Conference substitute adopts the Senate provision.

(29) Issuance procedures

The House bill authorizes the Secretary to require State agencies to use alternative issuance systems or to issue, in lieu of food stamps, a reusable document to be used as part of an automatic data processing system, if the Secretary, in consultation with the Inspector General, determines that use of such system or document is necessary to improve the integrity of the food stamp program. Retail food stores could not be required to bear the cost of any system or document.

The Senate amendment authorizes the Secretary of Agriculture to require a State agency to implement new or modified issuance procedures that the Secretary finds would improve program integrity and be cost effective.

The Conference substitute adopts the House provision.

(30) Disqualification and penalties for food stores

The Senate amendment raises the maximum civil money penalty from $5,000 to $10,000 for each violation of the Food Stamp Act or regulations committed by a retail food store or wholesale food concern. The Senate amendment also sets, by statute, the periods of disqualification applicable to such entities. The disqualification period for the first violation shall be for a reasonable period of time between 6 months and 5 years. The disqualification period for a second violation shall be for a reasonable period of time between 12 months and 10 years. A retail food store or wholesale food concern would be permanently disqualified for a third violation or for trafficking in food stamps or authorization documents.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(31) Bonding for food stores

The Senate amendment permits the Secretary to require retail food stores and wholesale food concerns that have previously been disqualified or subjected to a civil penalty to furnish a bond to cover the value of food stamps they may subsequently redeem in violation of the Act. The Secretary shall prescribe the amount and other terms and conditions of such bond by regulation.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(32) Alternative means for collection of overissuances and States' share of recovered moneys

(a) The Senate amendment permits States to use other means of collection for fraud and nonfraud overissuances besides cash repayment and benefit offset.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(b) The Senate amendment specifies that States may retain 50 percent of recovered overissuances arising from fraud and 25 percent of recovered nonfraud overissuances, except in the case of State error, in which case the State may retain none of the recovered overissuances.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(33) Fraud claims collection procedure

The Senate amendment allows the household of a disqualified person 30 days after a demand for an election to choose between a reduced allotment or repayment in cash to reimburse the Government for any overissuance of food stamp benefits.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(34) Employment requirement pilot project

The Senate amendment authorizes the Secretary of Agriculture to conduct pilot projects in each of the seven administrative regions of the Food and Nutrition Service of the Department of Agriculture to determine the effects of making nonexempt individuals ineligible to participate in the food stamp program if they do not, with certain exceptions, work at least 20 hours per week or participate in a workfare program.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment authorizing four pilot projects.

(35) Distribution of surplus commodities

The Senate amendment states the sense of the Congress that the Federal Government should take steps to distribute surplus food or food that would otherwise be discarded to hungry people of the United States, that State and local governments should enact donor liability laws to encourage private cooperative efforts to provide food for hungry people, and that food distribution and shipping entities should work with organizations to make food that is wasted or discarded available for distribution to the hungry.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(36) Appropriation authorization

The House bill extends the authorization of appropriations for all programs under the Food Stamp Act, including the Puerto Rican block grant, as follows: $12.648 billion for fiscal year 1983, $12.908 billion for fiscal year 1984, and $13.651 billion for fiscal year 1985.

The Senate amendment extends the authorization of appropriations for the food stamp program, except for the Puerto Rican block grant, as follows: $11.9 billion for fiscal year 1983, $12.3 billion for fiscal year 1984, and $13.2 billion for fiscal year 1985. The Senate amendment also provides a separate authorization of appropriations for a Puerto Rican block grant of $825 million for each of fiscal years 1983 through 1985.

The Conference substitute adopts the House provision with an amendment to establish the authorization levels as follows: $12.874 billion for fiscal year 1983, $13.145 billion for fiscal year 1984, and $13.933 billion for fiscal year 1985.

(37) Puerto Rico block grant

(a) The House bill requires that, after fiscal year 1983, food assistance under the block grant to the Commonwealth of Puerto Rico shall be made available in forms other than cash.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision.

(b) The House bill requires the Secretary of Agriculture to conduct a study of the cash food assistance program in Puerto Rico, including the impact on the nutritional status of residents of Puerto Rico and the economy of Puerto Rico, and report the findings of the study to the House and Senate agriculture committees no later than 6 months after the effective date of the bill.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision.

(38) Similar workfare programs

The Senate amendment requires the Secretary to promulgate guidelines for food stamp workfare programs that would enable political subdivisions to operate such programs in a manner consistent with similar workfare programs operated by the subdivision. A political subdivision could comply with food stamp workfare requirements by operating (i) a workfare program under the aid to families with dependent children program or (ii) any other workfare program which the Secretary determines meets the provisions and protections contained in the food stamp program.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(39) Exemption of WIN participants from workfare

The Senate amendment deletes the current exemption from the workfare requirements for food stamp participants who are involved at least 20 hours a week in a work incentive program and provides that a State may, at its option, exempt such participants from the workfare requirements.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(40) Hours of workfare

The Senate amendment revises the maximum number of hours that an agency operating a workfare program could require of a participating member. Under the revision, a workfare participant cannot be required to work more hours than those equal to the value of the allotment to which the household is entitled divided by the applicable minimum wage or more than 30 hours a week when added to any other hours worked during a week for compensation (in cash or in kind) in any other capacity.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(41) Reimbursement for workfare administrative expenses

The House bill directs the Secretary to reimburse agencies operating workfare projects for administrative expenses not otherwise reimbursable from one half of the funds saved from employment related to workfare programs. Such savings means an amount equal to three times the dollar value of the decrease in food stamp allotments resulting from wages received for the first month of employment which commences while the member is participating in a workfare program for the first time or in the 30-day period immediately following the termination of the member's first participation in the workfare program. Payments to agencies cannot exceed their share of workfare administrative costs.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision.

As stated last year in the Conference report on the Agriculture and Food Act of 1981, the conferees do not intend that federally-shared administrative expenses include the cost of equipment, tools, or materials used in connection with work performed by workfare participants or the costs of supervising workfare participants and, further, do not intend that participants be reimbursed for meals away from home.

(42) State block grant option

The Senate amendment permits a State, at its option, to operate a low-income nutritional assistance block grant to finance expenditures for food assistance for needy persons within the State, in lieu of operating a food stamp program within the State. The State would be allowed to design its own low-income nutritional assistance program. States making such an election would receive, at the start of the fiscal year, a percentage of the annual Federal food stamp appropriation equal to their proportionate share of food stamp benefits (including cash benefits in lieu of food stamps and the Federal share of administrative expenses) during the period April 1, 1981, through March 31, 1982. No State would receive less than 0.25 percent of the appropriation.

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The conferees intend that both the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry hold early and thorough hearings on the concept of a State block grant option in order to expedite further congressional consideration of this issue.

(43) Technical corrections

The Senate amendment makes various technical corrections in the Food Stamp Act of 1977 to correct two typographical errors and to change references to the Secretary of Health, Education, and Welfare to the Secretary of Health and Human Services.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision.

(44) Effective dates

(a) The House bill provides that all the food stamp provisions will be effective on the date of enactment of the bill, except for those provisions dealing with error rate reduction and Federal reimbursement of workfare administrative expenses, which will be effective October 1, 1982.

The Senate amendment provides that all the food stamp provisions of the bill will be effective October 1, 1982, and implemented no later than January 1, 1984.

The Conference substitute adopts the House provision.

(b) The House bill makes the food stamp provisions of the Omnibus Budget Reconciliation Act of 1981 (except for amendments concerning retrospective accounting and periodic reporting) and the Agriculture and Food Act of 1981 effective on the date of enacement of the bill unless already effective.

The Senate amendment provides that, except as otherwise specifically provided, the food stamp provisions of the Omnibus Budget Reconciliation Act of 1981 shall be effective on August 13, 1981, and shall be implemented no later than June 1, 1983, and the food stamp provisions of the Agriculture and Food Act of 1981 shall be effective on December 22, 1981, and shall be implemented no later than July 1, 1983.

The Conference substitute adopts the House provision.

TITLE II—BANKING

The Senate bill contains provisions excluding lump sum mortgage insurance premiums from the maximum mortgage limits and minimum downpayment requirements on FHA insured loans. The House bill contains these same provisions with i) additional requirements for the FHA program for refunds to those selling a home in the early years of the mortgage and for a determination by the HUD Secretary that the program of advance mortgage insurance premiums is actuarially sound before implementation of the amendments made by the provisions and ii) an authorization of $50,165,000 for fiscal year 1983 for the expenses of the Bureau of the Mint. The conference report contains the House provision with a technical amendment to clarify that refunds are required for any program of advance premium collection even if the Secretary does not find the exclusion of the insurance premium from mortgage and downpayment limits to be actuarially sound.

The Conferees direct the Secretary to use the regulatory process to implement this provision in order to assure that Congress and the public have an opportunity to review and comment on the structure of the program, prior to its actual implementation. The Conferees further expect that at the time the regulation is proposed the specific information that the Secretary used to make the required determination will be provided to the House and Senate Banking Committees. The determination must assess the actuarial soundness of the program including an analysis of the impact of allowing loan to value ratios in excess of 100 percent in the early years of the mortgage and the impact of the program on the ability of moderate income families to afford the re-

sulting monthly payments and downpayments. If the Secretary determines that implementation of the amendments made by this section is not actuarially sound, the conferees expect that the Secretary will propose ways to preserve the current affordability of FHA insured mortgages for home buyers who can only afford minimum downpayments, including retention of the current system for those marginal purchasers. The Conferees further expect that the secretary shall require, in the regulations, that payment of such premiums be made promptly after settlement as is required by Section 530 of the National Housing Act.

TITLE III—CIVIL SERVICE AND GOVERNMENT OPERATIONS

SUBTITLE A—CIVIL SERVICE PROGRAMS

Cost-of-living adjustments (section 301)

Section 601 of the Senate amendment limits civil service retirement cost-of-living adjustments to 4 percent in each of fiscal years 1983, 1984, and 1985.

The House bill contains no comparable provision.

The House recedes to the Senate and concurs in the provisions of the Senate amendment with an amendment.

The conference substitute contains three parts.

First, the conference substitute provides that payment of civil service retirement cost-of-living adjustments which occur under section 8340 of title 5, United States Code, will be delayed one month in each of the next three calendar years. Adjustments currently are payable April 1 of each year. Under the conference substitute, adjustments will be payable May 1, 1983, June 1, 1984, and July 1, 1985.

Second, the conference substitute provides that civil service retirees who are under age 62 at the time of a cost-of-living adjustment under section 8340 shall receive only one-half of such adjustment. For the next three years the full adjustments are projected to be 6.6 percent, 7.2 percent, and 6.6 percent. Thus, under the conference substitute, retirees under age 62 would receive adjustments of at least 3.3 percent, 3.6 percent, and 3.3 percent. The conference substitute further provides that retirees subject to the limitation will receive an additional adjustment if the cost-of-living adjustment which actually occurs under section 8340 exceeds the projected adjustment. If this occurs, the retiree will receive one-half of the projected adjustment plus the entire amount by which the actual adjustment exceeds that projected. For example, if the full cost-of-living adjustment effective in 1983 is 7.6 percent rather than the projected 6.6 percent, retirees subject to the limitation in the conference substitute would receive 4.3 percent (one-half of the projected adjustment plus an additional one percent reflecting the error in the projection). The limitation in the conference substitute does not apply to individuals receiving survivor annuities or individuals retired on disability.

The timing and amount of cost-of-living adjustments under several other government retirement systems (e.g., the military retirement system and the Foreign Service retirement system) are linked, by law, to the civil service retirement system adjustment mechanism. Thus, the changes in timing and amount discussed above also will apply to these other retirement systems, resulting in additional outlay reductions.

The third part of the conference substitute affects the pay of military retirees who are employed in civil service postions. Currently, the vast majority of these individuals receive both a full civil service salary and a fully indexed military pension. Thus, each year these individuals receive both an annual pay increase and a cost-of-living adjustment in their retired pay. The conference substitute provides that when such an individual receives a retirement cost-of-living adjustment, the individual's civil service pay will be reduced by the dollar amount of that adjustment.

Disability retirement (section 302)

Section 602 of the Senate amendment makes five substantive changes with respect to disability retirement under the civil service retirement System. First, it prohibits individuals eligible for immediate retirement from retiring on disability. Second, it reduces from one year to 180 days the period during which a disability annuity continues after a finding of restored earning capacity. Third, it changes the current earning capacity test period from two years to one year. Fourth, it authorizes the Office of Personnel Management to obtain information from the Departments of Health and Human Services, Labor, and Defense and the Veterans Administration. Finally, National Guard technicians who are separated from employment as technicians on or after December, 1979, due to disabilities that disqualify them from the National Guard or military service, will be eligible for disability retirement. Such service is required for employment as a technician.

The House bill contains no comparable provision.

The conference substitute adopts the provisions of the Senate amendment with minor changes. The provision prohibiting disability retirement for individuals eligible for optional retirement is deleted. The provision for payment of disability annuity benefits to National Guard technicians is made prospective and dependent on the individual concerned making application to Office of Personnel Management not later than twelve months after the date of the enactment of the conference substitute. Finally, the provisions relating to restoration of earning capacity are made effective with respect to income earned after December 31, 1982. The conference substitute includes other stylistic and technical changes.

Interest rates, deposits and redeposits under the civil service retirement system (section 303)

Section 603 of the Senate amendment provides that effective January 1, 1985, the interest rate for any given year on redeposits of refunds and deposits for periods of service for which no deductions were made shall be equal to the overall average yield on all obligations in which the Fund was invested during the fiscal year ending during the preceding calendar year. Currently the interest rate charged is set by statute at three percent. The Senate amendment also provides that no retirement credit will be allowed for periods of service for which retirement deductions were not made unless a deposit for such service is made to the Fund. Finally, the Senate amendment provides that an employee must be separated for at least 31 days before a refund of retirement contributions may be made. Currently, an employee need be separated for only three days.

The House bill contains no comparable provision.

The conference substitute adopts the Senate amendment with minor changes. The conference substitute clarifies the interest rates which will be effective in the future. Under the substitute the rate of interest for any calendar year will be equal to the overall average yield to the civil service retirement fund during the preceding calendar year, as determined by the Secretary of the Treasury, from all obligations purchased by the Secretary during the calendar year under section 8348(c), (d), and (e) of title 5, United States Code. The conference substitute further provides that the new interest rates will apply only with respect to refunds and periods of service which occur after October 1, 1982. Finally, the provisions relating to the required 31 day separation are made effective October 1, 1982, to conform to the general effective date of the conference substitute.

Reduction of annuities for early retirement

Section 604 of the Senate amendment provides that the annuity of a retiring employee shall be reduced four percent for each year the employee is under age 55 at the time of retirement. Under current law the reduction is two percent for each year.

The House bill contains no comparable provision.

The Senate recedes to the House.

Rounding down of civil service retirement annuities (section 304)

Section 301 of the House bill and section 606(a) and (b) of the Senate amendment provide that civil service annuity benefits shall be rounded to the next lowest dollar. Under existing law annuities are rounded to the nearest whole dollar. This change will apply to initial annuities and to annuities adjusted annually to reflect changes in the cost-of-living. The conferees agreed that the new rounding provisions shall apply with respect to annuities commencing on or after October 1, 1982, and with respect to adjustments or redeterminations of annuities made on or after that date.

Later commencement date for certain annuities (section 305)

Section 302 of the House bill and section 606(c) of the Senate amendment provide that the annuities of retiring employees and Members will commence on the first day of the month after separation from the service. Under existing law, such annuities commence on the day following separation. The House provision, however, would not apply to individuals retiring involuntarily (except for cause) or on disability. The House bill provides that the amendment applies to annuities commencing on or after October 1, 1982.

The Senate recedes to the House.

Creditable service based on military service; recomputation at age 62 of credit for military service of current annuitants (section 306, 307)

"Catch-62" is the term used to describe a situation where an individual with military service retiring under the civil service retirement system may credit the years of post-1956 military service for a civil service annuity. These military years are also automatically creditable for social security benefit purposes. In order to prevent coverage under both systems for the same period of service, the civil service retirement annuity, by law, is recomputed at age 62 (when social security eligibility begins) to eliminate the period of military service from the civil service annuity. The additional social security benefit gained for these years of military service often does not match the reduction in the civil service annuity. Sections 607 and 608 of the Senate amendment address this problem in three ways.

The House bill contains no comparable provision.

The House recedes to the Senate with technical amendments. The conference substitute provides the following:

(a) An employee first employed in a position under the civil service retirement system on or after October 1, 1982, will not receive credit for military service toward a civil service annuity unless the employee deposits in the civil service retirement fund an amount equal to 7 percent of his military base pay for each year of military service that he wants credited for civil service retirement purposes. If the employee makes a deposit, he will be entitled to credit under both the civil service and social security systems. An employee has a two-year grace period after employment begins during which no interest will be applied to amounts which are desposited. Amounts deposited after the two-year period are subject to interest at an annual interest rate equal to the yield on new civil service retirement fund investments.

(b) Employees first employed before October 1, 1982, will also be given an opportunity to make a deposit to the civil service retirement fund to cover military service. If they do, they will also be entitled to credit under both the civil service and social security systems and thus will avoid a "Catch 62" reduction. The same grace period and interest provisions as for new employees will apply. If they choose not to make a deposit, they would continue to be subject to the "Catch-62" reduction.

(c) Current civil service annuitants who are age 62 or older on October 1, 1982, will have their annuities recomputed to give them civil service credit for their military service. For an annuitant not yet age 62, military service will not be deducted from an annuity at age 62. Upon recomputation of the civil service annuity (in the case of annuitants 62 or older), and upon reaching age 62 (in the case of annuitants currently under that age) there will be a recomputation of social security benefits removing credit for periods of military service and reducing the civil service annuity by an appropriate that amount. However, in no case will an individual receive less than the amount he would receive or is receiving had he remained subject to the "Catch-62" reduction.

Immediate retirement (section 308)

Section 609 of the Senate amendment amends the early retirement provisions of existing law (5 U.S.C. 8336(d)) in two significant respects. The first change requires the Office of Personnel Management to determine that a significant percentage of the employees serving in an agency will be separated or subject to an immediate reduction in basic pay during a major reorganization, reduction in force, or transfer of function before the Office of Personnel Management may authorize employees of the agency to retire voluntarily under the early retirement provisions of section 8336(d). The second change provides that an employee who is separated from the service involuntarily is not entitled to an annuity if the employee has declined a reasonable offer of another position in the agency.

The House bill contains no comparable provisions.

The conferees agreed to the Senate provision with an amendment to clarify the phrase "reasonable offer of another position." Under the conference substitute, the offered position must be one for which the employee is qualified, be not lower than two grades or pay levels below the employee's grade or pay level, and be within the employee's commuting area.

General limitation on annuity cost-of-living adjustments (section 309)

Section 610 of the Senate amendment provides that no civil service annuity (including survivor annuities) may be increased as the result of a cost-of-living adjustment to an amount which exceeds the greater of (a) the maximum pay payable for GS-15 (currently $57,500), or (b) the final pay (or average pay, if higher) of the employee or Member increased by the overall annual average percentage adjustments in the General Schedule pay rates that have occurred between the date the employee's or Member's annuity commenced and the date of the cost-of-living adjustment. For the purpose of determining the final or average pay of an employee or Member, the term "pay" is defined to mean the rate of salary or basic pay which is payable under any provision of law, including provisions of law which limit the expenditure of appropriated funds. The Senate amendment further provides that the amendment shall not cause any annuity to be reduced below the rate payable on the date of enactment but that such amendment shall apply to any cost-of-living adjustment occuring on or after the date of enactment. Moreover, the amendment applies with respect to any civil service annuity regardless of its commencing date.

The House bill contains no comparable provisions.

The House recedes to the Senate.

General employee pay adjustments; executive pay review (section 310).

Section 303 of the House bill provides that if the President, before September 1, 1982, transmits an alternative pay plan to the Congress proposing a pay adjustment of less than 4 percent and that alternative plan is disapproved by either House in accordance with existing law, the pay adjustment for the statutory pay systems shall be 4 percent. Under existing law, Federal employees are entitled to the full pay comparability increase (estimated to be close to 20 percent this October) in the event either House disapproves the President's alternative pay plan.

The Senate amendment contains no comparable provisions.

The Senate recedes to the House and concurs with an amendment.

The conference substitute has three parts. First, it adopts without change the provisions of the House bill relating to the disapproval of an alternative pay plan. Second, it directs the appointment of an ad-hoc Commission on Executive, Legislative, and Judicial Salaries. The Commission is directed to make recommendations and report, in accordance with existing law, except as provided by the conference substitute. Its report must be transmitted to the President not later than November 15 of this year, and the President would then promptly formulate his recommendations and submit them to Congress for review. The President's recommendations would become effective for any pay period beginning more than 30 days after they are transmitted unless the Congress, by concurrent resolution, diapproves the recommendations during the 30-day period. The recommendations will supersede any pay rate or pay cap established by prior provisions of law. Finally, commencing in fiscal year 1984, the conference substitute changes the basis for computing pay for employees under the General Schedule. Currently, General Schedule pay is computed on the basis of 260 work days or 2,080 hours rather than the 261 or 262 work days that usually occur in a calendar year. The conference substitute provides that pay shall be computed on the basis of the average work hours in a calendar year (2087 hours). This change is effective only for fiscal years 1984 and 1985. This provision does not necessarily affect the calculation of retirement benefits. Whether there should be a corresponding change in the basis of calculating such benefits is left to the discretion of the Office of Personnel Management.

SUBTITLE B—LIMITATION ON TRAVEL AND TRANSPORTATION EXPENSES

Travel and transportation expenses for vacation leave

Section 605 of the Senate amendment would terminate certain travel provisions in current law for Federal employees assigned to duty stations in Hawaii and Alaska. Under 5 USC 5728, Federal employees assigned to posts of duty outside the continental United States are allowed, for each tour of duty, payment for travel expenses for one round trip to their actual place of residence at the time of appointment. This benefit is also extended to the employee's immediate family. By adding the words "Alaska and Hawaii" to the term "continental United States", the Senate amendment would terminate these payments with regard to Federal employees assigned to posts of duty in Alaska and Hawaii. The Senate amendment provides that an employee whose post of duty is in Alaska or Hawaii on the date of enactment of this Act shall be entitled to one round-trip travel commenced after the date of enactment of this Act.

The House bill contains no such provision.

The conference agreement would add the words "Alaska and Hawaii" to the term "continental United States", thereby terminating the round-trip travel benefits for Federal employees assigned to those two states. However, the conference agreement contains provisions allowing the head of an agency to provide for such round-trip travel benefits when he determines that such expenditure is necessary for the purpose of recruiting or retaining an employee for service of a tour of duty at a post in Alaska or Hawaii. The intent of this provision is to assure an agency the availability of employees with special qualifications which are not in ready supply in these locations and to assure the availability of personnel to fill positions in remote areas. It is intended that the provision be used sparingly and only when necessary to fulfill the agency's mission. The payment of such expenses is limited to not more than two round-trip commenced within five years after the date the employee first commences any period of consecutive tours of duty in Alaska and Hawaii. The conference agreement further provides that the termination of these travel benefits shall not be applicable to the first round-trip travel commenced after the date of enactment of this Act by an employee whose post of duty on the date of enactment of this Act is in Alaska and Hawaii, but counts such first trip toward the two-trip limit.

TITLE IV: VETERANS' BENEFITS

The House bill and the Senate amendment, according to CBO estimates, would have achieved total cost savings of $169.7 million and $168.1 million, respectively, in budget authority and $169.4 million and $166.9 million, respectively, in outlays in fiscal year 1983.

The conference agreement, according to CBO estimates, would achieve total cost savings of $168.7 million in budget authority and $167.5 million in outlays in fiscal year 1983. The first three years' savings are shown in the following table:

COST SAVINGS

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985	
	BA	O	BA	O	BA	O
Section 401—Commencement of payment periods	53.5	53.5	56.3	56.3	59.2	59.2
Section 402—Advance date of reductions	3.2	2.9	3.5	3.2	3.9	3.5
Section 403—Pension rounding	3.6	2.7	10.4	10.4	10.1	10.1
Sections 404 and 405—Compensation rounding	18.8	18.8	18.9	18.9	19.1	19.1
(Subtotal: Entitlements)	(79.1)	(77.9)	(89.1)	(88.8)	(92.3)	(91.9)
Section 406—Home-loan fee	89.6	89.6	99.8	99.8	104.1	104.1
Conference report total	168.7	167.5	188.9	188.6	196.4	196.0
House bill total	169.7	169.4	185.8	185.5	195.0	194.6
Senate amendment total	168.1	166.9	192.1	191.8	202.0	201.6

A description of the provisions of the House bill, Senate amendment, and conference agreement follows.

1. Commencement of certain periods of payment

Both the House bill and the Senate amendment would, effective October 1, 1982, postpone the commencement of the period for which a new award or an increased award of Veterans' Administration compensation, dependency and indemnity compensation (DIC), or pension is paid. The commencement of the period of payment would be delayed until the first day of the calendar month following the effective date of the award or increased award.

The conference agreement includes this provision with a clarifying amendment defining "award or increased award". Under this definition, the term would mean an original award, a reopened award, or an award that is increased because the recipient has acquired a new dependent, the recipient's disability or disability rating has been increased, or the recipient's income has declined.

The conferees emphasize that this provision would not apply to various types of adjustments of awards—as opposed to new awards or increases in awards—such as occur, for example, in the case of an apportionment and in the case of the termination of any withholding, reduction, or suspension of an award by reason of a recoupment, an offset to collect an indebtedness, institutionalization, incompetency, incarceration, or an estate that exceeds the limitation for certain hospitalized incompetent veterans. The conferees also emphasize that this provision does not apply to any increase in benefit payments resulting solely from the enactment of legislation—such as a cost-of-living increase in compensation and DIC rates or a change in the criteria for statutory award designations—or from a cost-of-living adjustment in pension rates pursuant to section 3112 of title 38. The term would also include any new award of "improved" pension pursuant to an election under section 306 of Public Law 95-588 and any increase in the amount of compensation, pursuant to VA regulations (sections 4.29 and 4.30 of title 38, Code of Federal Regulations), by reason of hospitalization of a veteran, under certain circumstances, for a period in excess of 21 days for a service-connected disability, or of a veteran's convalescence following certain surgical or medical procedures for a service-connected disability.

Cost savings associated with this provision, according to CBO estimates, would be $53.5 million in both budget authority and outlays in fiscal year 1983, $56.3 million in both budget authority and outlays in fiscal year 1984, and $59.2 million in both budget authority and outlays in fiscal year 1985.

2. Advancement of effective date of certain reductions of compensation and pension

Both the House bill and the Senate amendment would provide that, effective October 1, 1982, the effective date of a reduction of VA compensation, DIC, or pension by reason of a reduction in the number of the recipient's dependents resulting from the marriage, annulment, divorce, or death of a dependent shall be the last day of the month—rather than the last day of the year—in which the number of dependents decreased.

The conference agreement contains this provision made applicable, in order to avoid creating overpayments, only to changes in dependency occurring after September 30, 1982.

Cost savings associated with this provision, according to CBO estimates, would be $3.2 million in budget authority and $2.9 million in outlays in fiscal year 1983, $3.5 million in budget authority and $3.2 million in outlays in fiscal year 1984, and $3.9 million in budget authority and $3.5 million in outlays in fiscal year 1985.

3. Rounding down of pension to nearest dollar

Both the House bill and the Senate amendment would provide that, in computing amounts of monthly non-service-connected pension payments, amounts of $0.99 or less shall be rounded down to the nearest lower dollar. Under the House bill, this provision would become effective October 1, 1982, and under the Senate amendment it would take effect with respect to payments for periods beginning after May 31, 1983.

The House recedes with a technical amendment clarifying that the amount to be rounded is the monthly (or other periodic) rate of pension. Hence, in the case of an unrounded deduction for an insurance premium payment or for an indebtedness offset, the pensioner may receive payment in an unrounded amount.

The conferences stress that this provision will become effective at the same time as the cost-of-living adjustment in the rates for the "improved" pension program (enacted in Public Law 95-588), pursuant to section 3112 of title 38, scheduled for June 1, 1983, with the result that no such pensioner's monthly rate will be, by virtue of this provision, reduced below the amount paid for the previous month.

Cost saving associated with this provision, according to CBO estimates, would be $3.6 million in budget authority and $2.7 million in outlays in fiscal year 1983, $10.4 million in both budget authority and outlays in fiscal year 1984, and $10.1 million in both budget authority and outlays in fiscal year 1985.

4. Rounding down of fiscal year 1983 compensation cost-of-living increase

The House bill would provide, effective October 1, 1982, and "adjusted" 7.4-percent cost-of-living increase in compensation and DIC benefits—that is, an increase of 7.4 percent in the current rates with all amounts from $0.01 to $0.99 rounded down to the next lower dollar. The Senate amendment would reduce, effective January 1, 1983, various current compensation and DIC rates—in anticipation of the enactment prior to that date of a similarly "adjusted" cost-of-living increase, effective October 1, 1982, in the current compensation and DIC rates that would supersede the rounding-down reductions.

The ultimate intended effect both of the House provisions and of the Senate provisions coupled with the subsequent anticipated cost-of-living increase would be a compensation/DIC cost-of-living increase costing less than 7.4-percent increase calculated in accordance with the customary Congressional practice by which, in legislating such increases, amounts of $0.50 or more are rounded up to the next higher dollar and amounts of less than $0.50 are rounded down to the next lower dollar. Such lower cost for the total compensation/DIC increase this year is necessary in order to keep the cost within the pertinent fiscal year 1983 budget allocations to the Veterans' Affairs Committees under section 302(a) of the Congresional Budget Act of 1974.

The rate reductions in the Senate bill were arrived at so as to achieve estimated fiscal year 1983 cost-savings equal to the savings ($29.5 million in both budget authority and outlays) that would be achieved through the enactment of an "adjusted" 7.4-percent compensation/DIC cost-of-living increase—with rates rounded down to the nearest dollar, with the rounded increased rate for those with disabilities rated at 10 percent reduced by $1.00 and with a realignment of dependents' allowances (to provide for rate uniformity)—rather than a 7.4-percent increase enacted in accordance with customary Congressional practice on rounding.

Both the House bill and the Senate amendment would modify the method by which compensation dependent's allowances for veterans with disabilities rated from 30-percent through 90-percent disabling are computed. Under current law, these dependents' allowances are computed as a percent-

age—equal to the veteran's percentage disability rating—of the dependents' allowances payable to veterans rated totally disabled, with amounts of $0.50 or more rounded up and amounts less than $0.50 rounded down. The House bill and the Senate amendment would require rounding down all amounts.

The House recedes, with adjustments in certain current-rate reductions and a conforming amendment providing for rounding down certain intermediate rates pursuant to section 314(p) of title 38, United States Code. The fiscal year 1983 cost savings of $18.8 million achieved through the conference agreement provisions reflect the House bill's treatment of the 7.4-percent increase for 10-percent disabled veterans. The conferees emphasize that these provisions are based upon an expectation that they will be superseded by the enactment of a compensation bill, prior to January 1, 1983, providing for an "adjusted" 7.4-percent cost-of-living increase with rates rounded down to the nearest dollar and with dependency allowances realigned.

Cost saving associated with these provisions, according to CBO estimates, would be $18.8 million in both budget authority and outlays in fiscal year 1983, $18.9 million in both budget authority and outlays in fiscal year 1984, and $19.1 million in both budget authority and outlays in fiscal year 1985.

5. Fee for home loans

Both the House bill and the Senate amendment would require the payment of a fee of 0.5 percent of the original loan principal of all VA home loans guaranteed, insured, or made to veterans—other than those who are in receipt of VA compensation for a service-connected disability or who, but for the receipt of military retirement pay, would be entitled to receive such compensation—and to certain spouses and surviving spouses. The House bill would also exempt the surviving spouses of those who have died from a service-connected disability. Under both provisions, the fee would be required with respect to loans closed after September 30, 1982.

The House bill, but not the Senate amendment, provides that the requirement for the payment of the fee would not apply with respect to any loan closed after September 30, 1985.

The Senate recedes.

Savings associated with this provision, according to CBO estimates, would be $89.6 million in both budget authority and outlays in fiscal year 1983, $99.8 million in both budget authority and outlays in fiscal year 1984, and $104.1 million in both budget authority and outlays in fiscal year 1985.

6. Termination of pension benefits for certain children

Both the House bill and the Senate amendment would terminate, in the cases of children who reach age 18 after September 30, 1982, VA pension benefits payable under the "improved" pension program, enacted in Public Law 95-588, to or for certain veterans' children who have reached age 18 but are under age 23 and are pursuing a post-secondary education.

The Senate bill, but not the House amendment, in the cases of children who reach age 18 after September 30, 1982, would terminate pension benefits payable under section 306(a) of Public Law 95-588 (under which the benefits of certain pensioners who were in receipt of pension as of December 31, 1978, the day before the "improved" program went into effect, were "grandfathered") to or for certain veterans' children who have reached age 18 but are under age 23 and are pursuing post-secondary education.

Both the House bill and the Senate amendment would phase-out—through annual 25-percent reductions, beginning with the first reduction on October 1, 1982—the pension benefits payable under both the "improved" program and section 306(a) to veterans' children who reach age 18 prior to October 1, 1982, and are pursuing post-secondary education.

The conferees did not resolve the differences between the House and Senate versions, and the conference agreement does not contain these provisions.

7. Correspondence training

The House bill, but not the Senate amendment, would repeal, effective October 1, 1982, the authority under which GI Bill educational assistance benefits are paid to veterans, dependents, and service personnel for the pursuit of correspondence training.

The House recedes.

TITLE V—COMMERCE, SCIENCE, AND TRANSPORTATION

FEDERAL COMMUNICATIONS COMMISSION

Section 501 reduces the size of the Federal Communications Commission (FCC) to 5 from 7 members. The relevant parts of the Communications Act of 1934 specify that the FCC shall be composed of 7 members appointed by the President, by and with the advice and consent of the Senate. The Act further specifies that 4 members shall constitute a quorum.

This proposal would result in savings of approximately $100,000 in fiscal year 1983 and $500,000 annually, thereafter.

The proposal provides that the reduction of 2 positions will take place on July 1, 1983, thereby allowing for an abbreviated appointment to the term of office which expired on June 30, 1982. The second term, expiring on June 30, 1983, will not be filled. The terms of the other members are not affected. The number of members constituting a quorum as of July 1, 1983, is reduced to 3 from 4.

The concept of reducing the size of the FCC is not new. A January 1971 study entitled, "A New Regulatory Framework: Report on Selected Independent Regulatory Agencies" (prepared by the President's Advisory Council on Executive Organizations), recommended that "the number of FCC Commissioners be reduced from seven to five to minimize inefficiency caused by the sheer number of Commissioners considering each issue." The study also concluded that a reduced number of Commissioners would result in "improved regulatory effectiveness without raising the prospect of partisian control over the broadcast media, or individual interference with the free exchange of ideas or information (at pp. 118-119).

In 1974, a former FCC General Counsel, Henry Geller, endorsed this concept in "A Modest Proposal to Reform the Federal Communications Commission," The Rand Corporation, Washington, D.C. (April, 1974).

A 1977 Congressional study of regulatory commissions ("Study on Federal Regulation," Vol. IV, "Delay in the Regulatory Process" Committee on Governmental Affairs, U.S. Senate, 95th Congress, 1st Session, p. 115 (July, 1977)), concluded that policymaking bodies of 5 are preferable to larger groups, the primary advantage being the speed of decision making.

Most recently, the Comptroller General of the United States called for FCC reduction in a July 1979 report entitled "Organizing the Federal Communications Commission for Greater Management and Regulatory Effectiveness," at pp. 15-16. As such, the FCC reduction seems long overdue.

INTERSTATE COMMERCE COMMISSION

House bill

No comparable provision.

Senate amendment

The Senate amendment provides that effective January 1, 1983, each office within the Interstate Commerce Commission (ICC) that is provided for by 49 U.S.C. 10301 (other than the office prescribed to expire on December 31, 1985) and that is vacant on July 1, 1982, shall be abolished and, effective January 1, 1983, amends such section to provide that the ICC will be composed of 7 members with no more than 4 members from the same political party.

The Senate amendment provides that upon the expiration of that member's term of office which is prescribed by law to expire on December 31, 1982, any person appointed to fill such office after such date shall be appointed for a term of office after such date shall be appointed for a term of office which ends on Debemrer 31, 1985, and such office shall be abolished immediately after the 1985 expiration date.

The Senate amendment provides that upon the expiration of that member's term of office which is prescribed by law to expire on December 31, 1983, any person appointed to fill such office after such date shall be appointed for a term of office which ends December 31, 1985, and such office shall be abolished immediately after the 1985 expiration date.

The Senate amendment amends 49 U.S.C. 10301(b), effective January 1, 1936, to provide that the ICC shall be composed of 5 members. It further amends such section to provide that no more than 3 members shall be appointed from the same political party.

The Senate amendment also provides that any member of the ICC whose term of office expires on December 31, 1982, or December 31, 1983, may be reappointed as a member of the Commission, and this provision is consistent with existing law.

Conference substitute

The conference substitute is the same as the Senate amendment except that (1) the vacant office which is retained on the Interstate Commerce Commission is one of the two offices which are prescribed to expire on December 31, 1984, instead of the office which is prescribed to expire on December 31, 1985; (2) one of the persons appointed to fill one of the two offices the terms for which are prescribed to expire on December 31, 1987, shall be appointed for a term of office which ends on December 31, 1991, instead of December 31, 1992; and (3) section 10301(c) of title 49, United States Code, is amended to reduce the terms of office of members of the Interstate Commerce Commission from seven years to five years. The amendment made under clause (3) of the preceding sentence shall take effect on January 1, 1984, and apply to persons appointed, after such date, to fill any office of the Interstate Commerce Commission, except that such amendment does not apply to one of the two persons appointed to fill an office the term for which is prescribed to expire on December 31, 1987.

OTHER PROVISIONS

INDUSTRIAL FUNDING OF SUPPLY OPERATIONS

Section 611 of the Senate bill would amend the Federal Property and Administrative Services Act of 1949 to permit GSA to pass on to other Federal agencies costs incurred for wages, space and other personnel costs relating to the contracting, procurement, inspection, storage, management, distribution, and accountability of supplies and materials provided by GSA to such Federal agencies. The Senate bill would provide that all executive agencies shall requisition from the GSA all needed items of personal property and nonpersonal property which are managed by GSA unless otherwise authorized by GSA. The Senate bill further provides that the Administrator of GSA shall report twice each year to the Senate Committee on Governmental Affairs and the House Committee on Government Operations on the status and operations of the General Supply Fund.

The House bill contains no such provision.

The Senate recedes to the House position.

Committee on the Budget: For consideration of the entire House bill and Senate amendment:

JIM JONES,
LEON PANETTA,
RICHARD A. GEPHARDT,
DELBERT LATTA,
BILL FRENZEL'

Solely for consideration of title I of the House bill and title I of the Senate amendment:

LES ASPIN,
BRIAN DONNELLY,

Committee on Agriculture: Solely for consideration of title I of the House bill and title I of the Senate amendment:

E DE LA GARZA,
THOMAS S. FOLEY,
DAVID R. BOWEN,
BILL WAMPLER,
PAUL FINDLEY
(on all matters except as listed below),
TOM HAGEDORN
(on all matters except as listed below),
E. THOMAS COLEMAN
(in lieu of Mr. HAGEDORN) on sections 160–186 of the House bill and sections 101–150 of the Senate amendment (food stamps),
WM. THOMAS
(in lieu of Mr. FINDLEY) on sections 101–180 of the House bill and section 151 of the Senate amendment (dairy),

Committee on Foreign Affairs: Solely for consideration of section 130 of the House bill and that portion of section 101 of the House bill which adds subparagraphs 201(d)(8)(D)(iii)–(v) to the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981, and section 154 of the Senate amendment:

CLEMENT J. ZABLOCKI,
LEE H. HAMILTON,
JONATHAN D. BINGHAM,
WM. BROOMFIELD,

Committee on Banking, Finance and Urban Affairs: Solely for consideration of title II of the House bill and title III of the Senate amendment:

FERNAND J. ST GERMAIN,
HENRY GONZALEZ,
FRANK ANNUNZIO,
J. W. STANTON,
CHALMERS WYLIE,

Committee on Energy and Commerce: Solely for consideration of sections 402 and 403 of the Senate amendment:

JOHN G. DINGELL,
TIMOTHY E. WIRTH,
J. J. FLORIO,
JAMES T. BROYHILL,
N. F. LENT,

Committee on Public Works and Transportation: Solely for consideration of section 403 of the Senate amendment:

GLENN M. ANDERSON,
NICK RAHALL,
BOB EDGAR,
DON H. CLAUSEN,
BUD SHUSTER,

Committee on Post Office and Civil Service: Solely for consideration of title III of the House bill and sections 601–604 and 606–610 of the Senate amendment:

WILLIAM D. FORD,
MO UDALL,
W. CLAY,
ED J. DERWINSKI,
GENE TAYLOR,

Committee on Government Operations: Solely for consideration of sections 605 and 611 of the Senate amendment:

JACK BROOKS,
JOHN L. BURTON,
DAVE EVANS,
FRANK HORTON,
BOB WALKER,

Committee on Veterans' Affairs: Solely for consideration of title IV of the House bill and section 701–706 and 708 of the Senate amendment:

G. V. MONTGOMERY,
MARVIN LEATH,
JOHN PAUL HAMMERSCHMIDT,
CHALMERS WYLIE,

Managers on the Part of the House.

Committee on the Budget:

PETE V. DOMENICI,
W. L. ARMSTRONG,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
JOHN TOWER,

Committee on Agriculture, Nutrition, and Forestry: For title I:

JESSE HELMS,
BOB DOLE,
S. I. HAYAKAWA,
DICK LUGAR,
WALTER D. HUDDLESTON,

Committee on Banking, Housing, and Urban Affairs: For title III:

JAKE GARN,
JOHN TOWER,
DICK LUGAR,
DON RIEGLE,

Committee on Commerce, Science, and Transportation: For sections 402 and 403 of title IV:

BOB PACKWOOD,
BARRY GOLDWATER,
TED STEVENS,
HOWARD CANNON,

Committee on Governmental Affairs: For title VI:

BILL ROTH,
TED STEVENS,
MACK MATTINGLY,

Committee on Veterans' Affairs: Solely for consideration of title IV of the House bill and sections 701–706 and 708 of the Senate amendment:

AL SIMPSON,
STROM THURMOND,
ROBERT T. STAFFORD,
ALAN CRANSTON,
JENNINGS RANDOLPH,

Managers on the Part of the Senate.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FOLEY, subsequent to the passage of H.R. 6419.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1468. An act to provide for the designation of the Burns Paiute Indian Tribe as the beneficiary of a public domain allotment, and to provide that all future similarly situated lands in Harney County, Oreg., will be held in trust by the United States for the benefit of the Burns Paiute Indian Colony; to the Committee on Interior and Insular Affairs.

S. 2059. An act to change the coverage of officials and the standards for the appointment of a special prosecutor in the special prosecutor provisions of the Ethics in Government Act of 1978, and for other purposes; to the Committee on the Judiciary; and

S.J. Res. 188. Joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day"; to the Committee on Post Office and Civil Service.

REQUEST FOR PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO SIT DURING 5-MINUTE RULE ON TODAY AND BALANCE OF THE WEEK

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to sit for the purposes of considering legislation during the time that the House is sitting under the 5-minute rule today and for the balance of the week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. WAXMAN. Mr. Speaker, I reserve the right to object.

CALL OF THE HOUSE

Mr. WAXMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 280]

ANSWERED "PRESENT"—135

Akaka	Bedell	Benjamin
Barnes	Bellenson	Bennett

Bereuter	Glickman	Mazzoli
Bethune	Gonzalez	McClory
Bevill	Gore	McCurdy
Biaggi	Gradison	McGrath
Boner	Grisham	McHugh
Bowen	Hagedorn	Miller (CA)
Brinkley	Hall, Sam	Mineta
Burton, Phillip	Hamilton	Mitchell (MD)
Carney	Hammerschmidt	Moakley
Clausen	Hansen (ID)	Moore
Coelho	Hiler	Moorhead
Conable	Holt	Murtha
Corcoran	Horton	Myers
Coughlin	Hoyer	Napier
Craig	Hubbard	Natcher
Daniel, Dan	Huckaby	Neal
Dannemeyer	Hutto	Nichols
Daub	Jacobs	Oakar
de la Garza	Johnston	Ottinger
Dellums	Jones (NC)	Panetta
Dingell	Jones (TN)	Patman
Duncan	Kazen	Patterson
Edwards (AL)	Kildee	Peyser
Emerson	Kindness	Pickle
Fascell	Leath	Price
Fazio	Leland	Pritchard
Findley	Lent	Rangel
Fish	Lewis	Ratchford
Foley	Livingston	Robinson
Frost	Lowry (WA)	Roemer
Gibbons	Lujan	Rogers
Gingrich	Madigan	Rose
Schulze	Studds	Wampler
Seiberling	Stump	Waxman
Sensenbrenner	Swift	Weaver
Sharp	Synar	White
Skeen	Tauke	Whitehurst
Smith (IA)	Tauzin	Whittaker
Smith (NE)	Thomas	Wilson
Solomon	Udall	Winn
Spence	Volkmer	Wirth
Stark	Walgren	Wyden
Stratton	Walker	Yatron

□ 1315

Mr. PHILLIP BURTON. Mr. Speaker, regular order.

Mr. Speaker, regular order.

The SPEAKER pro tempore (Mr. DE LA GARZA). The Chair is observing the regular order.

Mr. PHILLIP BURTON. Mr. Speaker, regular order as to the time to note the presence of Members has expired.

The SPEAKER pro tempore. Are there any Members who have not yet recorded their presence?

The Chair will advise the gentleman from California that 15 minutes is a minimum, not a maximum.

ADJOURNMENT

Mr. DE LA GARZA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: accordingly (at 1 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Tuesday, August 17, 1982, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first and second quarters of calendar year 1982 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 and MAR. 31, 1982

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Codel Obey:											
Group expenses	3/7	3/8	Austria				279.75				279.75
Local transportation											
Group expenses	3/8	3/9	Italy				305.79				305.79
Local transportation									439.24		439.24
Miscellaneous expenses											
Committee total							585.54		439.24		1,024.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

James R. Jones, Chairman, July 28, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
DELEGATION TO MIDDLE EAST AND AFRICA, APR. 7-19, 1982											
Holt, Congresswoman Marjorie S.	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
HUTTO, Congressman Earl D.	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
Mollohan, Congressman Robert H.	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
Montgomery, Congressman G. V.	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1982—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Transportation, Department of the Air Force							13,409.00				13,409.00
Spence, Congressman Floyd D.	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
Stump, Congressman Bob	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
White, Congressman Richard C.	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00						138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
Won Pat, Congressman Antonio B.	4/7	4/7	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
Bauser, Edward J.	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
Kriser, Louis	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
Moore, Alma B.	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
Scrivner, Peter C	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					803.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00				13,409.00
Tsompanas, Paul L.	4/7	4/9	Morocco	884.32	150.00					884.32	150.00
	4/9	4/11	Egypt	124.750	150.00					124.750	150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman	47.610	138.00					47.610	138.00
	4/14	4/15	Kenya	803.65	75.00					806.65	75.00
	4/15	4/17	Mauritius	1,605	150.00					1,605	150.00
	4/17	4/18	South Africa	78.13	75.00					78.13	75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation, Department of the Air Force							13,409.00		1,842.21		13,409.00
Delegation expenses incurred in Egypt							368.83				2,211.04
Delegation expenses incurred in Oman									653.65		653.65
Delegation expenses incurred in Kenya							665.81		26.45		692.26
Delegation expenses incurred in South Africa							1,483.93		310.60		1,794.53
Delegation expenses incurred in Barbados							555.00				555.00
MISCELLANEOUS COMMITTEE TRAVEL, May 27–June 15, 1982											
Byron, Congresswoman Beverly B.	6/27	6/29	United Kingdom	100.58	176.00					100.58	176.00
	6/30	7/2	Norway	2,323.60	369.00					2,323.60	369.00
	7/2	7/4	Denmark	1,289.77	150.00					1,289.77	150.00
	7/4	7/7	Switzerland	532.20	255.00					532.20	255.00
Transportation, Department of State							1,863.40				1,863.40
Transportation, Norway, Department of State							175.95				175.95
Cofer, Williston B., Jr.	6/29	7/4	Germany	1,045.80	420.00					1,045.80	420.00
	7/4	7/11	Spain	59,270	533.00					59,270	533.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1982—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Transportation, Department of State							974.56				974.56
Foglietta, Congressman Thomas M.	6/30	7/2	Norway	2,323.60	369.00					2,323.60	369.00
	7/2	7/4	Denmark	1,289.77	150.00					1,289.77	150.00
	7/4	7/7	Switzerland	532.20	255.00					532.20	255.00
	7/8	7/15	Italy	732,200	525.00					732,200	525.00
Less total refund											−111.17
Transportation, Department of State							3,926.50				3,926.50
Transportation, Norway, Department of State							175.95				175.95
Ford, John J.	5/27	5/29	Italy	195,610	152.35					195,610	152.35
	5/31	6/2	Switzerland	335.40	170.00					335.40	170.00
Transportation, Department of the Air Force							1,669.00				1,669.00
Klein, Adam J.	6/27	6/29	United Kingdom	100.58	176.00					100.58	176.00
	6/30	7/2	Norway	2,323.60	369.00					2,323.60	369.00
	7/2	7/4	Denmark	1,289.77	150.00					1,289.77	150.00
	7/4	7/7	Switzerland	532.20	255.00					532.20	255.00
Transportation, Department of State							1,863.40				1,863.40
Transportation, Norway, Department of State							175.95				175.95
Waters, James C.	6/29	7/4	Germany	1,045.80	420.00					1,045.80	420.00
	7/4	7/11	Spain	59,270	533.00					59,270	533.00
Transportation, Department of State							974.56				974.56
White, Justus P.	5/28	6/1	Portugal	28,000	400.00					28,000	400.00
Transportation, Department of the Army							2,889.61				2,889.61
Committee total					18,994.18		192,079.45		2,832.91		213,906.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman. July 30, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Telson	6/27	7/4	United Kingdom	344.82	600.00		996.00				1,596.00
Committee total					600.0		996.00				1,596.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES R. JONES, Chairman, July 28, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rahall, Congressman Nick Joe II	5/21	5/22	Spain	7,892	77.00					7,892	77.00
	5/22	5/26	Italy	439,470	432.00					439,470	432.00
Air Transportation			Germany			7,372.40	3,186.00		837.50	7,372.40	3,186.00
Military air transportation							500.00				837.50
Committee total					509.80		3,686.00		837.50		500.00
											5,032.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

James J. Howard, Chairman, July 30, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Greene		5/10	United State				2,198.00				2,198.00
	5/11	5/19	Kenya	6,407.30	615.00					6,407.30	615.00
	5/19		United States								
Hanson		5/10	United States				2,029.00				2,029.00
	5/11	5/19	Kenya	4,844.55	465.00					4,844.55	465.00
	5/19		United States								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1982—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Krebs		6/27	United States				1,384.00				1,384.00
	6/28	7/3	England	287.35	548.00					287.35	548.00
	7/3		United States								
Greene		6/11	United States				542.00				542.00
	6/12	6/20	England	448.17	856.00					448.17	856.00
	6/20		United States								
Palmer		6/11	United States				542.00				542.00
	6/12	6/20	England	448.17	856.00					448.17	856.00
	6/20		United States								
Scheuer		6/11	United States				3,926.00				3,926.00
	6/12	6/17	England	280.10	535.00					280.10	535.00
	6/17		United States								
Committee total					3,875.00		10,621.00				14,496.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, July 30, 1982.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4589. A letter from the Vice President of Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of April, 1982, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

4590. A letter from the Secretary of the Interior, transmitting a report on the rental charges for noncompetitive oil and gas leases, pursuant to section 1401(d)(2) of Public Law 97-35; to the Committee on Interior and Insular Affairs.

4591. A letter from the General Counsel of the Department of Defense, a draft of proposed legislation to amend chapter 47 of title 10, United States Code, (the Uniform Code of Military Justice), to improve the quality and efficiency of the military Justice), to improve the quality and efficiency of the military justice system, to revise the laws concerning review of courts-martial and for other purposes; jointly, to the Committees on Armed Services and the Judiciary.

4592. A letter from the Assistant Secretary of Defense (Comptroller), transmitting selected acquisition reports and SAR summary tables for the quarter ending June 30, 1982, pursuant to section 811(a) of Public Law 94-106; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE: Committee of conference. Conference report on S. 2248 (Rept. No. 97-749). Ordered to be printed.

Mr. JONES of Oklahoma: Committee of conference. Conference report on H.R. 6955. (Rept. No. 97-750). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RODINO:

H.R. 6993. A bill to revise, codify, and enact without substantive change certain general and permanent laws related to transportation as subtitle I and chapter 31 of subtitle II of title 49, United States Code, "Transportation"; to the Committee on the Judiciary.

By Mr. WEAVER:

H.R. 6994. A bill to require the Secretary of Interior to convey, without consideration, certain lands in Lane County, Oreg.; to the Committee on Interior and Insular Affairs.

Mr. KINDESS (for himself and Mr. BROWN of Ohio):

H.J. Res. 579. Joint resolution proposing an amendment to the Constitution of the United States to provide that all revenue bills shall originate in the House of Representatives; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. MAZZOLI introduced a resolution (H. Res. 564) opposing the granting of permanent residence in the United States to certain aliens, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3600: Mr. FRENZEL.
H.R. 5875: Mr. FRENZEL.
H.R. 5876: Mr. FRENZEL.
H.R. 5877: Mr. FRENZEL.
H.R. 6348: Mr. NELLIGAN, Mr. KAZEN, Mr. NEAL, Mr. DE LA GARZA, Mr. EDWARDS of Oklahoma, Mr. ADDABBO, Mr. MITCHELL of New York, Mr. LEBOUTILLIER, Mr. FITHIAN, Mr. CARNEY, Mr. RICHMOND, Mr. SKEEN, Mr. HANSEN of Idaho, Mr. LOTT, Mr. STUMP, Mr. LAFALCE, Mr. PEYSER, Mr. ZEFERETTI, Ms. OAKAR, Mr. APPLEGATE, and Mr. HUTTO.
H.R. 6760: Mr. DUNN.
H.R. 6768: Mr. LIVINGSTON.
H.R. 6781: Mr. LOWERY of California, Mr. ALEXANDER, Mr. PARRIS, Mr. IRELAND, Mr. SANTINI, Mr. EVANS of Georgia, Mr. ANNUNZIO, Mr. LEWIS, Mr. MCKINNEY, Mr. NELSON, Mr. BRINKLEY, Mr. SMITH of Oregon, Mr. DOWDY, Mr. LOEFFLER, Mr. PAUL, Mr. GRISHAM, Mr. RUDD, Mr. FITHIAN, Mr. STUMP, Mr. SHANNON, Mrs. BYRON, and Mr. STRATTON.
H.R. 6829: Mr. LIVINGSTON and Mr. TAUZIN.
H.R. 6901: Mr. RODINO.
H. Res. 532: Mr. DASCHLE, Mr. SCHUMER, Mr. BENNETT, Mrs. CHISHOLM, Mr. BEILENSON, Mr. PATTERSON, Mr. HORTON, Mr. FOGLIETTA, Mr. BAILEY of Pennsylvania, Mr. RATCHFORD, Mr. DENARDIS, Mr. DELLUMS, Mr. GARCIA, Mr. PRICE, Mr. HATCHER, Mr. PARRIS, Mr. PORTER, Mr. HOYER, Mr. BEVILL, Mr. DOUGHERTY, Mr. STOKES, Mr. CLAY, Mr. SHAMANSKY, Mr. SUNIA, Mr. ERDAHL, Mr. MINETA, Mr. BEDELL, Mr. JAMES K. COYNE, Mr. EDWARDS of California, Mr. STARK, Mr. RHODES, Mr. MOFFETT, Mr. CLAUSEN, Mr. GRAY, Mr. GEJDENSON, Mrs. HECKLER, Mr. CROCKETT, Mrs. KENNELLY, Mrs. COLLINS of Illinois, and Mr. WEAVER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

567. The SPEAKER: presented a petition of Charles A. Stallings, Greenwood, Ind., relative to disability retirement; which was referred to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5540,

By M. BETHUNE:

(Amendment in the nature of a substitute.)

Strike out all after the enacting clause and insert in lieu thereof the following:

That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1987".

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be made

under this section unless the Secretary of the Treasury determines that the person involved cannot otherwise obtain the financing involved.

Redesignate the following subsections accordingly.

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be made under this section unless the Secretary of the Treasury determines that such loan, loan guarantee, or commitment for a loan guarantee will not tend to increase borrowing costs for the Federal Government.

Redesignate the following subsections accordingly.

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be made under this section unless the Secretary of the Treasury determines that such loan, loan guarantee, or commitment for a loan guarantee will not tend to increase interest rates in the credit markets and will not adversely affect the thrift industry.

Redesignate the following subsections accordingly.

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be made under this section unless the Secretary of Agriculture determines that such loan, loan guarantee, or commitment for a loan guarantee will not tend to restrict the availability of credit, or increase the cost of such credit, to the agricultural sector of the economy.

Redesignate the following subsections accordingly.

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be made under this section unless the Secretary of Housing and Urban Development determines that such loan, loan guarantee, or commitment for a loan guarantee will not tend to restrict the availability of credit or increase the cost of credit to the housing industry or otherwise adversely affect the housing industry.

Redesignate the following subsections accordingly.

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be made under this section unless the Secretary of Education determines that such loan, loan guarantee, or commitment for a loan guarantee will not tend to restrict the availability of credit, or increase the cost of credit, to students.

Redesignate the following subsections accordingly.

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be made under this section unless the Secretary of Labor determines that such loan, loan guarantee, or commitment for a loan guarantee will not tend to have a negative impact on employment in the United States.

Redesignate the following subsections accordingly.

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be made under this section unless the Secretary of Commerce determines that such loan, loan guarantee, or commitment for a loan guarantee will not tend to adversely affect depressed sectors of the domestic economy, such as the automotive, steel, and farm equipment manufacturing sectors.

Redesignate the following subsections accordingly.

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be issued under this section to any person unless the Secretary of the Treasury determines that an imperfection in the financial or credit markets has prevented other sources of financing from being available to such person.

Redesignate the following subsections accordingly.

—Page 43, after line 10, insert the following:

"(o) No loan, loan guarantee, or commitment for a loan guarantee may be made under this section until the effective date of a Federal law establishing limits on all Federal credit activities.

Redesignate the following subsections accordingly.

—Page 51, after line 9, insert the following:

(g) The Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) is amended by adding at the end thereof the following:

"SEC. 721. Notwithstanding any other provision of law, for fiscal year 1983, new direct loan obligations entered into under this Act shall not exceed $50,000,000 and new loan guarantee commitments shall not exceed $50,000,000.".

By Mr. VENTO:

—Page 41, line 24, strike out ", or the installation of equipment,".

Page 42, beginning on line 15, strike out ", or the installation of equipment,".

H.R. 6956

By Mr. GORE:

—Page 13, line 18, strike out "$544,963,000" and insert in lieu thereof "$555,106,000".

—Page 14, line 3, strike out "$364,575,000" and insert in lieu thereof "$372,970,000".

By Mr. SCHEUER:

—On page 13, line 24, strike out "$121,204,000" and insert in lieu thereof "$146,204,000".

EXTENSIONS OF REMARKS

COMMONSENSE ABOUT TWO GREAT PROBLEMS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 16, 1982

● Mr. MICHEL. Mr. Speaker, I recently came across two informative and thought-provoking editorials dealing with the questions of our national economy and our national defense. Obviously these two subjects do not lack editorial commentary throughout the Nation. But the editorials I read avoid the usual emotional arguments and bring commonsense to the subjects. I want to share them with you and our colleagues in the hope that commonsense of this kind might prove to be contagious.

At this time I wish to insert in the RECORD "First We Must Survive" and "The Roof Did Fall In," editorials published July 19 and July 17, 1982, in the Peoria Journal Star.

[From the Journal Star, July 19, 1982]

FIRST, WE MUST SURVIVE

We obviously have trouble, today taking seriously the very idea that national survival can be or ever was really at stake.

For many of us, apparently, the concept is simply inconceivable.

We remember the overwhelming victories and dismiss the earlier losses and incapacities as aberrations along the way.

We are conditioned to such a high level of freedom of movement and choice and to such basic national security that anything else is a vague and improbable abstraction that we simply cannot fully grasp.

Many have the inclination, therefore, to dismiss such as nonsense or "paranoia."

It is difficult to conceive the real nature of Soviet society, for example, to start with or to feel the Soviet threat as a real thing unless you have contact with it in some way.

Often, when that happens, the realization comes as a shock and then one may get an exaggerated reaction.

That, however, is closer to reality than shrugging off the question of survival and making all judgments on the basis of the purity of our principles.

In war, "expediency" takes on a very different shape and reality.

If you confront, for example, as a commander, a choice of attacking and losing 150 lives in a day—or staying on the defensive and losing 400 or 500 or 600 over time in a long drawn-out exchange of fire—there is no room for the abstract notion that one killing or 500 is essentially "the same thing."

If you know the men, the survival of 300 or so has to be balanced against the sacrifice you may demand—and a decision has to be made because "no decision" is, in fact, enescapably, a kind of decision in itself that brings its own high price.

So, you either opt out and abandon your people to the injuries of circumstance or you do the best you can.

That goes from a squad leader up to the President of the United States. All have to do it.

Some ideologues have so much passion for "tolerance" and "understanding" that they cannot and will not tolerate or understand that level of pure necessity.

They simply refuse to accept or are incapable of imagining having their backs to the wall or this nation standing with its back to the wall . . . and what would happen to their high abstract notions under such conditions.

One reason England stood alone, against incredible odds, with its back to the wall within the vivid memory of many of us was because the British intelligentsia could not imagine such a threat as being real—until it arrived with the shattered remnants of British units saved at Dunkirk and on the wings of Luftwaffe planes filling the English sky.

Almost too late—and precisely as Winston Churchill had warned—and prophesied—while they sneered at him. (That's why they sent for him when the reality hit them in the face at last.)

This handicap distorts history, old and recent, alike. It is hard for Americans to realize that Mexico and the U.S. at the time of the Mexican war were not greatly different either in physical size or population, that the Mexican army was well-equipped (by European powers) and experienced, and that trained European military observers actually predicted to their governments a Mexican victory. The war was won by brilliant tactics with only 10,000 men operating in very rugged and hostile countryside far from home bases with no trains, no planes and no trucks to bring them aid. It was no "pushover"—no foregone conclusion.

We cannot afford the self-indulgence these days of misreading history, misjudging American motives, misguessing the Soviet mentality and pursuing a "noble", self-congratulatory "cause" born of naivete.

As to the Soviet mentality, the record speaks for itself—and rationalization about them is not a responsible substitute.

National suicide is not the highest form of morality, if that is the reality—no matter what name or claim is made for the policy that produces such a result.

[From the Journal Star, July 17, 1982]

THE ROOF DID FALL IN

When he ran for president, Ronald Reagan told us that we have pushed the tax-spend system ever upward until it has reached the limit—and beyond the limit of economic safety. He warned that we had to have a change in that direction before the roof fell in.

Faced with such major institutional, political and emotional resistance against changing the governmental habits of an entire generation, Reagan proposed a tentative, three-year program that was supposed to dent the trend—lessen the blast of the spending explosion—and then, hopefully, it could be turned around.

He got the first step of the tax side of that program and some budget adjustments (nowhere near enough to actually "cut" spending). In short, he got his foot in the door, but before he could move inside with his program—the roof did fall in.

He was instantly accused of being the Samson who had shoved over the columns holding up the Temple and brought the economy crashing down on us.

Everybody in this country, lobor leader, liberal congressman, business manager, butcher, baker, candlestick maker, knows perfectly well that there has to be a limit to how much of a people's production a government can confiscate for its own manipulations. Every one of us knows that at some point there's a limit to the size of the national debt beyond which it will simply eat us alive.

Everybody knows that expanding the debt and raising taxes could not possibly go on forever.

But those who enjoyed great success (or special benefits) keep wanting to edge it up every year on the theory that you can always do it one more time.

Eventually, we were bound to hit the brick wall.

Well, maybe we have hit it.

But whether we have hit it for sure or not, it would certainly be terribly dangerous and downright irresponsible to persuade ourselves that we can get away with more taxes and more debts for another budget—and another.

There is a break point, and if this isn't it, it's mighty close to it.

We don't know if Reagan's answers are the right answers. We aren't too sure about that. But we feel very sure, indeed, that this country cannot afford to blame the recession on Reagan's sand-bag thrown into the flood and then plunge ahead pretending not only that overspending by government is not what finally strangled the private economy—and there is plenty of room for more of the same.

Yet some tell us eagerly that "morality" demands it and conscience requires it.

There is no morality in poor husbandry of a nation's resources. It is conscienceless to plunge forward on the basis of "good intentions" and a reckless disregard for the ultimate disaster.

Morality is a cheap and superficial fake if it ignores the real threat such a course clearly invites simply because while we all know there has to be a limit, nobody knows for sure just when or where that limit falls.

Nor is it truly "morality" that plunges ahead while passing the buck to God to see to it that no catastrophe follows.

He is not responsible to make any well-meant but otherwise careless folly of ours work.

We try to put that on Him at our peril.

As for the humanists who are unbelievers, but plunge ahead out of sheer arrogance about their own high purposes and glorious ideas—it isn't "morality" to use other people and their property to make you feel good . . . at grave risk to all. To do so with emotional appeals to "morality" is downright immoral in itself.

But it sure doesn't keep the promoters from waving the flag of "morality" as hard as they can . . . hoping nobody sees past it

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

to hold them responsible for actual consequences.●

EFFORTS TO CUT BACK ON SOCIAL SECURITY BENEFITS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 16, 1982

● Mr. PEYSER. Mr. Speaker, a little over a year ago, the Reagan administration promised senior citizens that a safety net was spread for them and that there would be no reductions in social security, medicare, or any of the social programs that serve the needs of the people. I am deeply disturbed because during this past year, we have seen cutbacks in programs affecting senior citizens centers, senior nutrition and medicare, and on three separate occasions, efforts to cut back on social security benefits. These cutbacks were supported by all of the Republicans in the House of Representatives.

We are today seeing what I believe to be another equally outrageous act being performed at the direct request of the White House. The Internal Revenue Service is being asked to review the tax records of 3½ million SSI recipients—people who are either blind, handicapped or the poorest of our seniors—to see if, in truth, they are reporting all of their dividend and interest earnings to Social Security for eligibility purposes. This review will not only be of tremendous cost, but if it is carried out, will imply that seniors are not to be trusted. If the administration would concentrate its efforts on trying to collect what the IRS indicates is $66 billion in unpaid taxes by corporations and individual earners, the economic situation in the country would be far better off.

Furthermore, Mr. Speaker, all indications are that the Reagan administration's request earlier this year to cut $40 billion from social security benefits will undoubtedly be on the drawing board after November. I hope for the good of all Americans that the senior citizens recognize this threat and let their voices be heard loud and clear.●

SECRETARY OF ENERGY'S NUCLEAR REMARKS ARE SICK

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 16, 1982

● Mr. LaFALCE. Mr. Speaker, in the midst of the recent debate on the nuclear freeze resolution, the United States exploded a nuclear device in the Nevada desert. The test, part of our continuous weapons testing program, might have gone unnoticed had it not been for the intemperate remarks of Energy Secretary James Edwards.

Commenting on the weapons testing program, the Secretary said that such tests will and must continue if the United States is to come out No. 1 in a nuclear war.

Mr. Speaker, I hope that all of our colleagues, those who voted for the freeze, and those who backed the administration's substitute, recognize the folly of Mr. Edwards' remarks. As was pointed out in an editorial which appeared in the Lockport Union Sun and Journal, no one will win a nuclear war; there will be no victory parties following a nuclear exchange. What will remain is death and the destruction of life as we know it.

Such remarks are particularly troublesome coming from the cabinet member whose department has the responsibility for the Nation's nuclear weapons development program. Added to the call to nuclear arms from the Departments of Defense and State, such pronouncements tend to subject the administration's commitment to nuclear arms reductions to criticism and ridicule.

Mr. Speaker, I believe that there is no greater cause today than a nuclear arms freeze and reduction. Secretary Edwards' remarks lead me to wonder if the administration can understand, let alone share, my concern and the concern of so many Americans for the future of our world.

[The editorial follows:]

[From the Lockport Union Sun and Journal, Aug. 7, 1982]

ENERGY CHIEF'S N-REMARKS SICK

Sick. Sick. Sick. That's all one can say of Energy Secretary James Edwards remarks about the atomic warhead test below the Nevada desert Thursday.

In case you missed it, Edwards says the Reagan administration plans more tests because—and get this quote—"I want to come out No. 1, not No. 2" in a nuclear war.

On top of that, like a school youngster going to his first prom, he found the test "exciting."

If this sort of thinking prevails among our leaders, we have got problems; real problems.

In the first place, Edwards, if he has a grain of intelligence, must realize that no one—repeat: no one—will win a nuclear war. The horror that would occur in an N-war is almost too frightening to contemplate. Who would want to be left to pick up the pieces?

In the second place, this easy, light talk about nuclear war on the part of an official of cabinet rank makes the Russians seem the soul of discretion and restraint.

Edwards believes that further tests are needed because the U.S. has fallen behind in the past few years. The goal, he maintains, is "peace through strength."

One detects a growing "love affair" in Washington over nuclear weaponry. It isn't a healthy attitude; on the contrary it is scary.

It is one thing to have a strong defense posture and the sophisticated weaponry to back it up. It's quite frightening to suspect that it is becoming a national obsession.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 16, 1982

● Mr. CORCORAN. Mr. Speaker, due to official business relating to the pending tax bill and a meeting with Treasury Secretary Donald Regan, I was unable to be present and cast my vote on rollcall No. 279 last Friday. Had I been present, I would have voted "no" on the motion to order the previous question on the preferential motion to refer House Resolution 560, relating to the State-Commerce-Justice judiciary appropriations bill, to the Committee on Rules.●

LET US DO THE RIGHT THING NOW FOR FAMILY FARMERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 16, 1982

● Mr. DORGAN of North Dakota. Mr. Speaker, the U.S. Agriculture Secretary recently predicted, in his 1983 wheat program, that the price of wheat will go no higher than $3.80 a bushel for the next 18 months. If that prediction is accurate, and if this Congress does nothing to help stimulate increased farm prices, then we truly face a disaster in agriculture.

Time is already growing short for family farmers. Their income is down, interest rates are high and many lending institutions are tightening the noose.

The problem is that we produce more than we can sell. Therefore, we must develop programs that give farmers incentives to produce less and to sell more—particularly in the export market.

A LITTLE COMMONSENSE WOULD GO A LONG WAY

If this Congress would pay attention to three basic principles, we could develop a farm program that works and gives family farmers a chance to survive.

We should stop interfering with farm export markets. The last four Presidents imposed embargoes or restrictions on farm export sales. That has to stop. When President Reagan tells the Soviets that we will only agree to a 1-year grain sales contract, it is the same as telling them that if they want a long-term contract they should check around with other suppliers such as Canada, Argentina, or France. In my opinion, that is foolish economic policy. It is unworkable and it is time Democrats and Republicans stop using farmers' markets for foreign policy.

If this country is going to compete in international agricultural trade, we have got to develop marketing incentives such as revolving export credit funds, a buy-down on interest rates, an aggressive barter progam, and others. And, we should find new markets here at home by developing an alcohol fuels industry.

To encourage American farmers to reduce production, incentives such as increased loan rates must be offered. When the cost of production of a bushel of wheat is well over $5.50, a loan rate of $3.50 is not going to encourage farmers to participate in a set-aside program. We must provide higher support prices.

We need some real leadership on these issues and we need it now.

SOME OLD FASHIONED SPIRIT

Maybe it is time to remember the days when we had people who were really willing to step out and speak up for the family farmer. Nearly 50 years ago North Dakota Gov. Bill Langer used the National Guard to stop sheriffs from auctioning off farms so family farmers could catch their breath and survive in a period of economic depression. Forty-five years ago Governor Langer ordered the State-owned mill and elevator to offer nearly twice the price for wheat that grain traders offered. The grain traders then decided to increase their own price to match the State mill's offer.

These daring and imaginative acts by Governor Langer were controversial, but the fact is, he was doing something aggressive to give farm families a chance to survive.

Family farmers—particularly the young farmers who are now balancing on the edge of financial collapse—are again looking to us for some aggressive and imaginative help.

Time is short and promises are cheap, but family farmers are an important part of America's future and we simply have to take action to stop them from being forced off the land.

Farmers do not want a free ride. They just want an even chance to make it, and I plead with the Members of this House to join me in taking action on their behalf before it is too late.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, August 17, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 18

9:30 a.m.
Governmental Affairs
Federal Expenditures, Research and Rules Subcommittee
To hold hearings on S. 1782, eliminating the withholding of retainages by the Federal Government from small business contractors and subcontractors in certain cases.
3302 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to consider proposed amendments revising certain provisions of title IV (plan termination insurance) of the Employee Retirement Income Security Act of 1974.
4232 Dirksen Building

Select on Indian Affairs
Business meeting, to mark up S. 2294, providing for the settlement of certain land claims of the Chitimachea Indian Tribe of Louisiana, S. 2719, providing for the settlement of certain land claims of the Mashantucket Pequot Indian Tribe of Connecticut, and to become a federally recognized tribe, S. 2623, authorizing funds for fiscal years 1985, 1986, and 1987 for the tribally controlled community college program, H.R. 3731, relating to the use of distribution of certain judgment funds awarded by the Indian Claims Commission or the U.S. Court of Claims, and to resume markup of certain pending legislation.
5110 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 2245, and S. 2620, authorizing funds for fiscal years 1983 and 1984 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel to September 30, 1984, and S. 2621, setting standards for State regulation of pesticide products.
324 Russell Building

Appropriations
Business meeting, to mark up the substance of H.R. 6956, appropriating funds for fiscal year 1983 for the Department of Housing and Urban Affairs and certain independent agencies—pending on House calendar.
1114 Dirksen Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
Transportation Subcommittee
To resume hearings on highway revenue and cost allocation issues.
4200 Dirksen Building

Judiciary
To resume hearings on Senate Joint Resolution 199, proposing a constitutional amendment providing for voluntary prayer in public schools and certain institutions.
2228 Dirksen Building

Select on Intelligence
Closed briefing on intelligence matters.
224 Russell Building

10:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2617, abolishing mandatory retirement and other forms of age discrimination in employment.
4232 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2118, designating certain lands in Wyoming as wilderness.
3110 Dirksen Building

Finance
To hold oversight hearings to examine the social security disability insurance program.
2221 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

AUGUST 19

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1652, restoring certain lands in Arizona to the Colorado River Indian Reservation to be held in trust by the United States.
457 Russell Building

9:30 a.m.
Labor and Human Resources
To resume consideration of proposed legislation establishing a program to increase the availability to the American public of information on the health consequences of smoking and thereby improve informed choice.
4232 Dirksen Building

Small Business
Export Promotion and Market Development Subcommittee
To hold hearings on certain obstacles faced by small business exporters.
424 Russell Building

10:00 a.m.
Energy and Natural Resources
To hold hearings on acid precipitation and the use of fossil fuels.
3110 Dirksen Building

Governmental Affairs
To hold hearings on S. 2629, proposed Budget Reform Act, establishing a 2-year Federal budget cycle.
3302 Dirksen Building

Joint Economic
Monetary and Fiscal Policy Subcommittee
To resume hearings on the current national tax system, focusing on a flat-rate tax proposal.
5110 Dirksen Building

10:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 2378, amendment No. 1909 to S. 2378, S. 1956, S. 2460, S. 2461, S. 2048, S. 2381, S. 2382, S. 2709, S. 2388, measures increasing the rates of disability compensation for disabled veterans, increasing the rates of dependency and indemnity compensation for surviving spouses and children of veterans, discontinuing duplicative payments to certain veterans, increasing the level of disability required for the payment of dependent allowances, and providing for cost-saving improvements in veterans' programs, S. 2747, and amendment No. 1984 to S. 2747, measures improving certain aspects of the Veterans' Administration educational benefits programs and the Department of Labor veterans' employment programs.
412 Russell Building

1:00 p.m.
Conferees
On S. 2036, providing for State and local employment and training assistance.
S-207, Capitol

2:00 p.m.
Environment and Public Works
To hold hearings on S. 2235, to provide improved protection for the diplomatic community in New York City.
4232 Dirksen Building

AUGUST 25

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

SEPTEMBER 14

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Federal Mine Safety and Health Act of 1977.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Justin Dart, of California, to be a member of the Board of Directors of the Communications Satellite Corporation.
235 Russell Building

SEPTEMBER 16

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the overall effects of coal slurry pipelines on the U.S. transportation system.
235 Russell Building

SEPTEMBER 17

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To continue oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

SEPTEMBER 21

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the effects of alcohol consumption during pregnancy.
4232 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

SEPTEMBER 23

10:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold hearings on proposed legislation to extend Federal employees compensation benefits to all Federal jurors, to provide the taxing of attorney fees for court appointed attorneys, and to expand the method of serving jury summons.
6226 Dirksen Building

SEPTEMBER 30

10:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the indemnification of Government contractors.
2228 Dirksen Building

OCTOBER 6

10:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the accessibility of the judicial system.
2228 Dirksen Building

CANCELLATIONS

AUGUST 17

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

AUGUST 18

10:00 a.m.
Governmental Affairs
To continue hearings on S. 2562, transferring certain activities of the Department of Energy to the Department of Commerce.
3302 Dirksen Building

AUGUST 24

9:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2190, providing for the recruitment and training of volunteers in Federal agencies.
3302 Dirksen Building