

Page Denied

Next 1 Page(s) In Document Denied

Amendment No. 21: Amends House language stricken by the Senate to restore the status quo in regard to the disbursement of funds for police expenses.

The conferees agree that the police salaries and expenses budgets will be treated as joint items. For fiscal year 1989, the general expenses expenditures will continue to be disbursed by the Clerk of the House, the historical arrangement, and subject to the customary oversight and controls over those disbursements. The conferees have also added several additional provisions. One provides the traditional death gratuities to the widows of recently deceased members of the House of Representatives; the second clarifies the intent of Congress in directing the development of a telecommunications system for the legislative branch that will be subject to the approval of the appropriate committees of Congress; the third establishes a position in the office of the Attending Physician; the fourth provides an additional \$2,000,000 for the presidential transition; and finally, authority is provided for the establishment of a national garden at the Botanic Garden.

Amendment No. 22: Deletes language proposed by the Senate establishing and amending the jurisdiction and procedures of the Capitol Police Board and the Capitol Police. The conferees agree that a consolidation of this authority, together with appropriate oversight by the Committees of Congress with jurisdiction in this matter, is desirable. Since this proposal is complex and far reaching, however, the conferees believe that this matter deserves proper deliberation by the authorizing committees. Consequently, the Committee of Conference directs the Capitol Police Board to refer this proposal together with necessary and sufficient background material and justifications to the authorizing committees as soon as practicable, but in no event later than January 1, 1989, with a request that hearings be held for the purpose of developing a suitable legislative proposal that may be considered by the House and Senate.

Amendment No. 23: Deletes language proposed by the House and stricken by the Senate regarding a drug free workplace. The conferees strongly agree with the intent of the provision included by the House. However, this issue has been satisfactorily dealt with in section 628 of the Treasury, Postal Service, and General Government Appropriations Act, 1989 (H.R. 4775; conference report 100-881). Section 628 of that Act covers all Federal entities, including the House of Representatives, the Senate, and all other legislative branch agencies.

Amendment No. 24: Section 311 was added on the House floor for the evident purpose of protecting CBO from pressure and intimidation respecting the content of its reports. The managers fully support this purpose but wish to make clear that the action is not intended to, and does not, change or in any way affect any of the duties and responsibilities imposed on CBO by the Congressional Budget Act of 1974, as amended.

Furthermore, Section 311 is limited in its reach to those cases in which a bipartisan request of a committee or a Member has specifically requested information from CBO, and on receiving that information there is a one-party request for CBO to add to, delete, or alter it, except to correct errors or provide new or updated information. In those circumstances, Section 311 prohibits CBO funds from being used to comply with the later request.

Finally, Section 311 does not change CBO's present authority to correct any

previously furnished.

Amendment No. 25: Deletes language proposed by the Senate amending the Federal Salary Act of 1967.

Amendment No. 26: Makes two technical corrections in the Senate language and adds a provision to require absorption of pay raises within levels appropriated.

PROGRAMS, PROJECTS AND ACTIVITIES

Under the principle established in section 306 of the Legislative Branch Appropriations Act for 1988, for purposes of the definition required by section 252 (a) (1) (B) (i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (P. L. 99-177, as amended), the conferees agree that the accounts under the general heading "House of Representatives" shall be considered one combined appropriation account and the accounts under the general heading "Senate" shall be considered one combined appropriation account, and the term "program, project, and activity" shall apply to each combined account.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bills for 1989 follow:

New budget (obligational) authority, fiscal year 1988.....	\$1,745,501,500
Budget estimates of new (obligational) authority fiscal year 1989.....	1,906,329,200
House bill, fiscal year 1989.....	1,400,152,000
Senate bill, fiscal year 1989.....	1,778,331,200
Conference agreement, fiscal year 1989.....	1,804,624,200
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988.....	+59,122,700
Budget estimates of new (obligational) authority, fiscal year 1989.....	-161,705,000
House bill, fiscal year 1989.....	+404,472,200
Senate bill, fiscal year 1989.....	+26,293,000

- VIC FALIQ,
- DAVID R. OREY,
- BILL ALEXANDER,
- JOHN P. MURPHY,
- BOB TRAXLER,
- LINDY BOGGS,
- JAMIE WHITTEN,
- JERRY LEWIS,
- SILVIO O. CONTE,
- JOHN T. MYERS,
- JOHN EDWARD PORTER.

Managers on the Part of the House.

- DALE BUMPERS,
- BARBARA A. MIKULSKI,
- HARRY REID,
- CHARLES GRASSLEY,
- MARK O. HATFIELD,
- TED STEVENS.

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4781

Mr. CHAPPELL submitted the following conference report and statement on the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending Sep-

tember 30, 1989, and for other purposes.

CONFERENCE REPORT (H. REPT. 100-1002)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4781) making appropriations for the Department of Defense for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 17, 20, 24, 26, 27, 30, 32, 33, 39, 59, 68, 74, 76, 82, 86, 101, 109, 110, 111, 114, 115, 116, 117, 118, 121, 122, 123, 124, 125, 126, 127, 130, 132, 133, 134, 135, 136, 137, 174, 175, 176, 215, 224, 231, 246, 251, 255, 262, 265, 266, 267, and 268.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 18, 28, 29, 31, 34, 41, 43, 46, 47, 48, 51, 52, 54, 56, 62, 64, 66, 70, 75, 78, 84, 85, 86, 87, 88, 89, 106, 107, 120, 129, 146, 145, 165, 200, 201, 202, 204, 216, 222, and 226, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$18,962,456,000, and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$36,200,000, and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum deleted by said amendment insert \$22,023,036,000, and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert \$1,817,000,000, and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$7,635,973,000, and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$2,830,921,000, and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert \$2,012,970,000, and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate num-

1988/89 concerning the use of sewage facilities at Fort Chaffee, Arkansas.

Amendment No. 672: The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 8141. (a) Not later than 90 days after the date of enactment of this Act, the Administrator of the Office of Federal Procurement Policy shall issue a policy, and not later than 180 days thereafter government-wide regulations shall be issued under the Office of Federal Procurement Policy Act which set forth:

(1) conflict of interest standards for persons who provide consulting services described in subsection (b); and

(2) procedures, including such registration, certification, and enforcement requirements as may be appropriate, to promote compliance with such standards.

(b) The regulations required by subsection (a) shall apply to the following types of consulting services:

(1) advisory and assistance services provided to the government to the extent necessary to identify and evaluate the potential for conflicts of interest that could be prejudicial to the interests of the United States;

(2) services related to support of the preparation or submission of bids and proposals for federal contracts to the extent that inclusion of such services in such regulations is necessary to identify and evaluate the potential for conflicts of interest that could be prejudicial to the interests of the United States; and

(3) such other services related to federal contracts as may be specified in the regulations prescribed under subsection (a) to the extent necessary to identify and evaluate the potential for conflicts of interest that could be prejudicial to the interests of the United States.

(c) The Comptroller General shall report to Congress not later than one year after the date of enactment of this Act his assessment of the effectiveness of the regulations prescribed under this section.

(b) Intelligence activities as defined in section 3.4(e) of Executive Order 12333 or a comparable definitional section in any successor order may be exempt from the regulations required by subsection (a): Provided, That the Director of Central Intelligence shall report to the Intelligence and Appropriations Committees of the Congress no later than January 1, 1990, and annually thereafter delineating those activities and organizations which have been exempted from the regulations required by subsection (a) in accordance with the provisions of this subsection.

(e) The President shall, before issuance of the regulations required by subsection (a), determine if the promulgation of such regulations would have a significantly adverse effect on the accomplishment of the mission of the Department of Defense or other federal government agencies: Provided, That if the President determines that the regulations required by subsection (a) would have such an adverse effect, the President shall so report to the appropriate committees of the Senate and the House of Representatives, stating in full the reasons for such a determination: Provided further, That in the event of submission of a report to the committees containing an adverse effect determination, the requirement for the regulations prescribed by subsection (a) shall be null and void.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees support the intent of the Senate provision which requires the Department of Defense to determine conflict of interest, registration, and appropriate enforcement requirements for and/or companies providing consulting services by contract to the U.S. Government or to contractors doing business with the U.S. Government. The conferees, however, are not prepared, without appropriate hearings and input from the Department of Defense, to enact regulations composed by Congress.

The conferees do, however, feel that regulations should be developed by the appropriate authorities to address these key issues. Because of the unique and complex issues involved, the conferees believe the Administrator of the Office of Federal Procurement Policy (OFFP) should use his authority to issue government-wide policy. From this policy the conferees direct that government-wide regulations shall be issued under the Office of Federal Procurement Policy Act.

Further, the conferees intend that client information and all proprietary information be exempt from the provisions of the Freedom of Information Act. In addition, due to the sensitive nature of their mission, language has been included permitting the exemption of intelligence activities from the regulations required by the conference agreement.

Finally, the conferees have also included a proviso which will negate this section if the President reports to the Congress that the promulgation of such regulations would have a significantly adverse impact on the accomplishment of the mission of federal agencies.

Amendment No. 273: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 8142. (a) Of the amounts available to the Department of Defense for fiscal year 1989, not less than \$10,000,000 shall be available for National Defense Science and Engineering graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

(c) Not less than fifty percentum of the funds necessary to carry out this section shall be derived from the amounts available for the University Research Initiative Program in "Research, Development, Test, and Evaluation, Defense Agencies", and the balance necessary shall be derived from amounts available for Defense Research Sciences under title IV of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that the Department of Defense should expand its efforts to encourage the training of greater numbers of scientists and engineers to strengthen our nation's capacity to develop the technology necessary to assure our continued security. The Department is urged to closely coordinate its effort with that of the National Science Foundation's similar fellowship program to select, on a nationwide competitive basis, the most promising candidates for this defense fellowship program, and if feasible, to initiate a consolidated application and review process.

The conferees also direct the Department to consider steps in the implementation of this program to promote the award of fellowships to members of minority groups underrepresented in science and technology. In addition, the conferees urge that awardees be encouraged to seek placement in institutions and programs currently participating in the University Research Initiative program to complement that effort.

Amendment No. 274: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the section number named in said amendment, insert: 8143

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This section earmarks funds for testing and evaluation of low profile antenna systems for ground level communications.

Amendment No. 275: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the section number named in said amendment, insert: 8144

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This section expresses the sense of the Congress that three foreign correspondents should posthumously be awarded the Presidential Medal of Freedom in honor of their brave efforts to document the Afghan struggle for freedom.

TITLE IX—ASSISTANCE FOR THE NICARAGUAN RESISTANCE

Amendment No. 276: The conferees have agreed to provide assistance to the Nicaraguan Resistance as proposed by the Senate, and to include the Appropriations Committees of the House and Senate, along with the Foreign Affairs and Intelligence Committees in the section on congressional oversight. The House had no similar provision.

Amendment No. 277: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by in said amendment, insert:

TITLE X—NATIONAL DEFENSE AUTHORIZATIONS

SEC. 10001. ENACTMENT OF FISCAL YEAR 1989 DEFENSE AUTHORIZATION BILL

The provisions of the bill H.R. 4481 of the One Hundredth Congress, as contained in the conference report filed in the House of Representatives on September 28, 1988, are hereby enacted into law.

SEC. 10002. STATUTORY CONSTRUCTION.

(a) **ORDER OF ENACTMENT.**—In applying any rule of statutory construction, the provisions of titles I through IX of this Act shall be deemed to have been enacted after the provisions of this title.

(b) **PERMANENCE OF AUTHORIZATION PROVISIONS.**—For the purposes of the application of any rule of statutory construction relating to the permanence (or futurity) of provisions of law enacted in appropriations Acts, the provisions of law enacted by section 10001 shall be treated as having been enacted by a regular authorization Act, rather than an appropriation Act, and shall be construed on their own terms without regard to any such rule of construction.