

PUBLIC LAWS

ENACTED DURING THE

FIRST SESSION OF THE ONE HUNDRED SECOND CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Thursday, January 3, 1991, adjourned sine die on Friday, January 3, 1992. GEORGE BUSH, President; DAN QUAYLE, Vice President; THOMAS S. FOLEY, Speaker of the House of Representatives.

Public Law 102-1
102d Congress

Joint Resolution

To authorize the use of United States Armed Forces pursuant to United Nations Security Council Resolution 678.

Jan. 14, 1991
[H.J. Res. 77]

Whereas the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990;

50 USC 1541
note.

Whereas both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression;

Whereas, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace;

Whereas the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored;

Whereas the United Nations Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the United Nations Charter;

Whereas, in the absence of full compliance by Iraq with its resolutions, the United Nations Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas Iraq has persisted in its illegal occupation of, and brutal aggression against Kuwait: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force Against Iraq Resolution".

Authorization
for Use of
Military Force
Against Iraq
Resolution.
Kuwait.
50 USC 1541
note.
President.
50 USC 1541
note.

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the

United Nations Security Council resolutions cited in subsection (a); and

(2) that those efforts have not been and would not be successful in obtaining such compliance.

(c) **WAR POWERS RESOLUTION REQUIREMENTS.—**

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

President.
50 USC 1541
note.

SEC. 3. REPORTS TO CONGRESS.

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

Approved January 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 77 (S.J. Res. 2):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Jan. 12, S.J. Res. 2 considered and passed Senate. H.J. Res. 77 considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Jan. 14, Presidential statement.

Public Law 102-2
102d Congress

An Act

To extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

Jan. 30, 1991

[H.R. 4]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Armed Forces.
Taxes.

SECTION 1. EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.

(a) INDIVIDUALS PERFORMING DESERT SHIELD SERVICES.—Section 7508 of the Internal Revenue Code of 1986 (relating to time for performing certain acts postponed by reason of service in combat zone) is amended by adding at the end thereof the following new subsection:

26 USC 7508.

“(f) TREATMENT OF INDIVIDUALS PERFORMING DESERT SHIELD SERVICES.—

“(1) IN GENERAL.—Any individual who performed Desert Shield services (and the spouse of such individual) shall be entitled to the benefits of this section in the same manner as if such services were services referred to in subsection (a).

“(2) DESERT SHIELD SERVICES.—For purposes of this subsection, the term ‘Desert Shield services’ means any services in the Armed Forces of the United States or in support of such Armed Forces if—

“(A) such services are performed in the area designated by the President pursuant to this subparagraph as the ‘Persian Gulf Desert Shield area’, and

“(B) such services are performed during the period beginning on August 2, 1990, and ending on the date on which any portion of the area referred to in subparagraph (A) is designated by the President as a combat zone pursuant to section 112.”

(b) INTEREST ALLOWED ON OVERPAYMENTS.—

(1) Section 7508 of such Code is amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

“(b) SPECIAL RULE FOR OVERPAYMENTS.—

“(1) IN GENERAL.—Subsection (a) shall not apply for purposes of determining the amount of interest on any overpayment of tax.

“(2) SPECIAL RULES.—If an individual is entitled to the benefits of subsection (a) with respect to any return and such return is timely filed (determined after the application of such subsection), subsections (b)(3) and (e) of section 6611 shall not apply.”

(2) Paragraph (2) of section 7508(a) of such Code is amended by striking “(including interest)”.

(c) EXTENSION AVAILABLE FOR HOSPITALIZATION IN THE UNITED STATES.—

(1) IN GENERAL.—Subsection (a) of section 7508 of such Code is amended—

(A) by striking "outside the United States" the first place it appears, and

(B) by striking "the period of continuous hospitalization outside the United States" and inserting "the period of continuous qualified hospitalization".

26 USC 7508.

(2) **QUALIFIED HOSPITALIZATION.**—Section 7508 of such Code is amended by adding at the end thereof the following new subsection:

"(g) **QUALIFIED HOSPITALIZATION.**—For purposes of subsection (a), the term 'qualified hospitalization' means—

"(1) any hospitalization outside the United States, and

"(2) any hospitalization inside the United States, except that not more than 5 years of hospitalization may be taken into account under this paragraph.

Paragraph (2) shall not apply for purposes of applying this section with respect to the spouse of an individual entitled to the benefits of subsection (a)."

26 USC 7508
note.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on August 2, 1990.

Approved January 30, 1991.

LEGISLATIVE HISTORY—H.R. 4 (S. 251):

HOUSE REPORTS: No. 102-2 (Comm. on Ways and Means).

SENATE REPORTS: No. 102-2 accompanying S. 251 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Jan. 23, considered and passed House.

Jan. 24, considered and passed Senate.

Public Law 102-3
102d Congress

An Act

To amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

Feb. 6, 1991
[H.R. 3]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE, AND TO SECRETARY OF VETERANS AFFAIRS.

Veterans'
Compensation
Amendments of
1991.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans’ Compensation Amendments of 1991”.

38 USC 101 note.

(b) **REFERENCES TO TITLE 38.**—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) **5.4-PERCENT INCREASE.**—Section 314 is amended—

(1) by striking out “\$76” in subsection (a) and inserting in lieu thereof “\$80”;

(2) by striking out “\$144” in subsection (b) and inserting in lieu thereof “\$151”;

(3) by striking out “\$220” in subsection (c) and inserting in lieu thereof “\$231”;

(4) by striking out “\$314” in subsection (d) and inserting in lieu thereof “\$330”;

(5) by striking out “\$446” in subsection (e) and inserting in lieu thereof “\$470”;

(6) by striking out “\$562” in subsection (f) and inserting in lieu thereof “\$592”;

(7) by striking out “\$710” in subsection (g) and inserting in lieu thereof “\$748”;

(8) by striking out “\$821” in subsection (h) and inserting in lieu thereof “\$865”;

(9) by striking out “\$925” in subsection (i) and inserting in lieu thereof “\$974”;

(10) by striking out “\$1,537” in subsection (j) and inserting in lieu thereof “\$1,620”;

(11) by striking out "\$1,911" and "\$2,679" in subsection (k) and inserting in lieu thereof "\$2,014" and "\$2,823", respectively;

(12) by striking out "\$1,911" in subsection (l) and inserting in lieu thereof "\$2,014";

(13) by striking out "\$2,107" in subsection (m) and inserting in lieu thereof "\$2,220";

(14) by striking out "\$2,397" in subsection (n) and inserting in lieu thereof "\$2,526";

(15) by striking out "\$2,679" each place it appears in subsections (o) and (p) and inserting in lieu thereof "\$2,823";

(16) by striking out "\$1,150" and "\$1,713" in subsection (r) and inserting in lieu thereof "\$1,212" and "\$1,805", respectively; and

(17) by striking out "\$1,720" in subsection (s) and inserting in lieu thereof "\$1,812".

38 USC 314 note.

(b) **SPECIAL RULE.**—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases authorized by subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(l) is amended—

(1) by striking out "\$92" in clause (A) and inserting in lieu thereof "\$96";

(2) by striking out "\$155" and "\$48" in clause (B) and inserting in lieu thereof "\$163" and "\$50", respectively;

(3) by striking out "\$64" and "\$48" in clause (C) and inserting in lieu thereof "\$67" and "\$50", respectively;

(4) by striking out "\$74" in clause (D) and inserting in lieu thereof "\$77";

(5) by striking out "\$169" in clause (E) and inserting in lieu thereof "\$178"; and

(6) by striking out "\$142" in clause (F) and inserting in lieu thereof "\$149".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "\$414" and inserting in lieu thereof "\$436".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

Pay grade	Monthly rate	Pay grade	Monthly rate
E-1.....	\$594	W-4.....	\$852
E-2.....	612	O-1.....	752
E-3.....	629	O-2.....	776
E-4.....	668	O-3.....	831
E-5.....	686	O-4.....	879
E-6.....	701	O-5.....	969
E-7.....	735	O-6.....	1,094
E-8.....	776	O-7.....	1,181
E-9.....	¹ 811	O-8.....	1,295
W-1.....	752	O-9.....	1,389
W-2.....	782	O-10.....	² 1,524
W-3.....	805		

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 \$875.

² If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be \$1,633.

(2) by striking out "\$65" in subsection (b) and inserting in lieu thereof "\$68";

(3) by striking out "\$169" in subsection (c) and inserting in lieu thereof "\$178"; and

(4) by striking out "\$83" in subsection (d) and inserting in lieu thereof "\$87".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) **DIC FOR ORPHAN CHILDREN.**—Section 413(a) is amended—

(1) by striking out "\$284" in clause (1) and inserting in lieu thereof "\$299";

(2) by striking out "\$409" in clause (2) and inserting in lieu thereof "\$431";

(3) by striking out "\$529" in clause (3) and inserting in lieu thereof "\$557"; and

(4) by striking out "\$529" and "\$105" in clause (4) and inserting in lieu thereof "\$557" and "\$110", respectively.

(b) **SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.**—Section 414 is amended—

(1) by striking out "\$169" in subsection (a) and inserting in lieu thereof "\$178";

(2) by striking out "\$284" in subsection (b) and inserting in lieu thereof "\$299"; and

(3) by striking out "\$144" in subsection (c) and inserting in lieu thereof "\$151".

38 USC 314 note. SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

Section 2(b) and the amendments made by this Act shall take effect as of January 1, 1991.

Approved February 6, 1991.

LEGISLATIVE HISTORY—H.R. 3:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Jan. 22, 23, considered and passed House.

Jan. 24, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Feb. 6, Presidential remarks and statement.

Public Law 102-4
102d Congress

An Act

To provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

Feb. 6, 1991
[H.R. 556]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Agent Orange
Act of 1991.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agent Orange Act of 1991".

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS.

(a) **IN GENERAL.**—(1) Chapter 11 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 316. Presumptions of service connection for diseases associated with exposure to certain herbicide agents

"(a)(1) For the purposes of section 310 of this title, and subject to section 313 of this title—

"(A) a disease specified in paragraph (2) of this subsection becoming manifest as specified in that paragraph in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era; and

"(B) each additional disease (if any) that (1) the Secretary determines in regulations prescribed under this section warrants a presumption of service-connection by reason of having positive association with exposure to an herbicide agent, and (2) becomes manifest within the period (if any) prescribed in such regulations in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era and while so serving was exposed to that herbicide agent,

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1)(A) of this subsection are the following:

"(A) Non-Hodgkin's lymphoma becoming manifest to a degree of disability of 10 percent or more.

"(B) Each soft-tissue sarcoma becoming manifest to a degree of disability of 10 percent or more other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.

"(C) Chloracne or another acneform disease consistent with chloracne becoming manifest to a degree of disability of 10 percent or more within one year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

“(3) For the purposes of this subsection, a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era and has a disease referred to in paragraph (1)(B) of this subsection shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

“(4) For purposes of this section, the term ‘herbicide agent’ means a chemical in an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era.

Regulations.

“(b)(1) Whenever the Secretary determines, on the basis of sound medical and scientific evidence, that a positive association exists between (A) the exposure of humans to an herbicide agent, and (B) the occurrence of a disease in humans, the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for that disease for the purposes of this section.

“(2) In making determinations for the purpose of this subsection, the Secretary shall take into account (A) reports received by the Secretary from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, and (B) all other sound medical and scientific information and analyses available to the Secretary. In evaluating any study for the purpose of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

“(3) An association between the occurrence of a disease in humans and exposure to an herbicide agent shall be considered to be positive for the purposes of this section if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

Regulations.

“(c)(1)(A) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, the Secretary shall determine whether a presumption of service connection is warranted for each disease covered by the report. If the Secretary determines that such a presumption is warranted, the Secretary, not later than 60 days after making the determination, shall issue proposed regulations setting forth the Secretary’s determination.

Federal Register, publication.

“(B) If the Secretary determines that a presumption of service connection is not warranted, the Secretary, not later than 60 days after making the determination, shall publish in the Federal Register a notice of that determination. The notice shall include an explanation of the scientific basis for that determination. If the disease already is included in regulations providing for a presumption of service connection, the Secretary, not later than 60 days after publication of the notice of a determination that the presumption is not warranted, shall issue proposed regulations removing the presumption for the disease.

Regulations.

Regulations.

“(2) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

Effective date.

“(d) Whenever a disease is removed from regulations prescribed under this section—

“(1) a veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) before the effective date of the removal shall continue to be entitled to receive compensation on that basis; and

“(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.

“(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under section 3 of the Agent Orange Act of 1991.”

Termination
date.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 315 the following new item:

“316. Presumptions of service connection for diseases associated with exposure to certain herbicide agents.”

(b) CONFORMING AMENDMENT.—Section 313 of title 38, United States Code, is amended by inserting “or 316” after “section 312” each place it appears.

SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

38 USC 316 note.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

(b) AGREEMENT.—The Secretary shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the services covered by this section. The Secretary shall seek to enter into such agreement not later than two months after the date of the enactment of this Act.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary and the National Academy of Sciences under this section, the Academy shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between exposure to an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era and each disease suspected to be associated with such exposure.

(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—(1) For each disease reviewed, the Academy shall determine (to the extent that available scientific data permit meaningful determinations)—

(A) whether a statistical association with herbicide exposure exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

(B) the increased risk of the disease among those exposed to herbicides during service in the Republic of Vietnam during the Vietnam era; and

(C) whether there exists a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease.

(2) The Academy shall include in its reports under subsection (g) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(e) **RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.**—The Academy shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to herbicide exposure. In making recommendations for further study, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from additional studies, and the cost and feasibility of carrying out such additional studies.

(f) **SUBSEQUENT REVIEWS.**—An agreement under subsection (b) shall require the National Academy of Sciences—

(1) to conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) that became available since the last review of such evidence under this section; and

(2) to make its determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(g) **REPORTS.**—(1) The agreement between the Secretary and the National Academy of Sciences shall require the Academy to transmit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives periodic written reports regarding the Academy's activities under the agreement. Such reports shall be submitted at least once every two years (as measured from the date of the first report).

(2) The first report under this subsection shall be transmitted not later than the end of the 18-month period beginning on the date of the enactment of this Act. That report shall include (A) the determinations and discussion referred to in subsection (d), (B) any recommendations of the Academy under subsection (e), and (C) the recommendation of the Academy as to whether the provisions of each of sections 6 through 9 should be implemented by the Secretary. In making its recommendation with respect to each such section, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from implementing that section, and the cost and feasibility of implementing that section. If the Academy recommends that the provisions of section 6 should be implemented, the Academy shall also recommend the means by which clinical data referred to in that section could be maintained in the most scientifically useful way.

(h) **LIMITATION ON AUTHORITY.**—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

(i) **SUNSET.**—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under subsection (g).

(j) **ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.**—If the Secretary is unable within the time period prescribed in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that is not part of the Government and operates as a not-for-profit entity and that has expertise and objectivity comparable to that of the

National Academy of Sciences. If the Secretary enters into such an agreement with another organization, then any reference in this section and in section 316 of title 38, United States Code (as added by section 2), to the National Academy of Sciences shall be treated as a reference to the other organization.

SEC. 4. OUTREACH SERVICES.

Section 1204(a) of the Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687; 102 Stat. 4125) is amended—

38 USC 241 note.

- (1) in clause (1), by striking out “, as such information on health risks becomes known”;
- (2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;
- (3) by inserting “(1)” after “PROGRAM.—”; and
- (4) by adding at the end the following new paragraph:

“(2) The Secretary of Veterans Affairs shall annually furnish updated information on health risks described in paragraph (1)(A) to veterans referred to in paragraph (1).”.

SEC. 5. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON EXPOSURE TO AGENT ORANGE OR IONIZING RADIATION.

Section 610(e)(3) of title 38, United States Code, is amended by striking out “December 31, 1990” and inserting in lieu thereof “December 31, 1993”.

SEC. 6. RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM.

38 USC 316 note.

(a) **IN GENERAL.**—Subject to subsections (d) and (e), the Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data that (1) is obtained by the Department of Veterans Affairs in connection with examinations and treatment furnished to veterans by the Department after November 3, 1981, by reason of eligibility provided in section 610(e)(1)(A) of title 38, United States Code, and (2) is likely to be scientifically useful in determining the association, if any, between the disabilities of veterans referred to in such section and exposure to dioxin or any other toxic substance referred to in such section or between such disabilities and active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) **ANNUAL REPORT.**—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report containing—

- (1) the information compiled in accordance with subsection (a);
- (2) the Secretary's analysis of such information;
- (3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);
- (4) the Secretary's explanation for the incidence of such disabilities;
- (5) other explanations for the incidence of such disabilities considered reasonable by the Secretary; and
- (6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other

toxic substance referred to in section 610(e)(1)(A) of title 38, United States Code, or between such disabilities and active military, naval, or air service, in the Republic of Vietnam during the Vietnam era.

(c) **FIRST REPORT.**—The first report under subsection (b) shall be submitted not later than one year after the effective date of this section.

(d) **FUNDING.**—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(e) **EFFECTIVE DATE.**—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

38 USC 316 note. **SEC. 7. TISSUE ARCHIVING SYSTEM.**

(a) **ESTABLISHMENT OF SYSTEM.**—Subject to subsections (e) and (f), for the purpose of facilitating future scientific research on the effects of exposure of veterans to dioxin and other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era, the Secretary of Veterans Affairs shall establish and maintain a system for the collection and storage of voluntarily contributed samples of blood and tissue of veterans who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) **SECURITY OF SPECIMENS.**—The Secretary shall ensure that the tissue is collected and stored under physically secure conditions and that the tissue is maintained in a condition that is useful for research referred to in subsection (a).

(c) **AUTHORIZED USE OF SPECIMENS.**—The Secretary may make blood and tissue available from the system for research referred to in subsection (a). The Secretary shall carry out this section in a manner consistent with the privacy rights and interests of the blood and tissue donors.

(d) **LIMITATIONS ON ACCEPTANCE OF SAMPLES.**—The Secretary may prescribe such limitations on the acceptance and storage of blood and tissue samples as the Secretary considers appropriate consistent with the purpose specified in subsection (a).

(e) **FUNDING.**—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

Privacy.

(f) **EFFECTIVE DATE.**—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 8. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

38 USC 316 note.

(a) **ESTABLISHMENT OF PROGRAM.**—Subject to subsections (e) and (f), the Secretary of Veterans Affairs shall establish a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on—

(1) health hazards resulting from exposure to dioxin;

(2) health hazards resulting from exposure to other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era; and

(3) health hazards resulting from active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) **PROGRAM REQUIREMENTS.**—(1) Under the program established pursuant to subsection (a), the Secretary shall, pursuant to criteria prescribed pursuant to paragraph (2), award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

Government
contracts.
Grants.

(2) The Secretary shall prescribe criteria for (A) the selection of entities to be awarded contracts or to receive financial assistance under the program, and (B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) **REPORT.**—The Secretary shall promptly report the results of studies conducted under the program to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

(d) **CONSULTATION WITH THE NATIONAL ACADEMY OF SCIENCES.**—(1) To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences under this Act—

(A) the Secretary shall consult with the Academy regarding the establishment and administration of the program under subsection (a); and

(B) the Academy shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program.

(2) The agreement shall require the Academy to submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives any recommendations that the

Academy considers appropriate regarding any studies reviewed under the agreement.

(e) **FUNDING.**—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(f) **EFFECTIVE DATE.**—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

38 USC 316 note. **SEC. 9. BLOOD TESTING OF CERTAIN VIETNAM-ERA VETERANS.**

(a) **BLOOD TESTING.**—Subject to subsections (d) and (e), in the case of a veteran described in section 610(e)(1)(A) of title 38, United States Code, who—

(1) has applied for medical care from the Department of Veterans Affairs; or

(2) has filed a claim for, or is in receipt of disability compensation under chapter 11 of title 38, United States Code,

the Secretary of Veterans Affairs shall, upon the veteran's request, obtain a sufficient amount of blood serum from the veteran to enable the Secretary to conduct a test of the serum to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) which may be present in the veteran's body.

(b) **NOTIFICATION OF TEST RESULTS.**—Upon completion of such test, the Secretary shall notify the veteran of the test results and provide the veteran a complete explanation as to what, if anything, the results of the test indicate regarding the likelihood of the veteran's exposure to TCDD while serving in the Republic of Vietnam.

(c) **INCORPORATION IN SYSTEM.**—The Secretary shall maintain the veteran's blood sample and the results of the test as part of the system required by section 7.

(d) **FUNDING.**—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts, but such amount shall not exceed \$4,000,000 in any fiscal year.

(e) **EFFECTIVE DATE.**—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 10. CONFORMING AMENDMENTS TO PUBLIC LAW 98-542.

(a) AMENDMENTS TO SECTION 2.—Section 2 of Public Law 98-542 (38 U.S.C. 354 note) is amended by striking out “that chloracne,” in paragraph (5) and all that follows through “herbicides and”.

(b) AMENDMENTS TO SECTION 3.—Section 3 of such Public Law is amended by striking out “during service in the Armed Forces in the Republic of Vietnam to a herbicide containing dioxin or”.

(c) AMENDMENTS TO SECTION 5.—Section 5 of such Public Law is amended as follows:

(1) Subsection (a)(1) is amended by striking out “during service—” and all that follows through “in connection with” and inserting in lieu thereof “during service in connection with”.

(2) Subsection (b) is amended—

(A) by striking out “of exposure to herbicides containing dioxin or” in the first sentence of paragraph (1)(A);

(B) by striking out “evidence indicating—” in paragraph (2)(B) and all that follows through “(ii) a connection to” and inserting in lieu thereof “evidence indicating a connection to”;

(C) in paragraph (3)—

(i) by striking out “herbicide or” in subparagraph (A); and

(ii) by striking out “to a herbicide containing dioxin or” in subparagraph (B); and

(D) by striking out “of the appropriate panel” in the first sentence of paragraph (1)(B), in the first sentence of paragraph (2)(A)(i), and in paragraph (2)(B).

(d) AMENDMENTS TO SECTION 6.—Section 6 of such Public Law is amended as follows:

(1) Subsection (a) is amended—

(A) in the matter preceding paragraph (1), by striking out “fifteen members” and inserting in lieu thereof “nine members”;

(B) in paragraph (1)—

(i) by striking out “eleven individuals” and inserting in lieu thereof “six individuals”;

(ii) by striking out subparagraph (A);

(iii) by redesignating subparagraph (B) as subparagraph (A); and

(iv) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph—

(I) by striking out “five individuals” and inserting in lieu thereof “three individuals”; and

(II) by striking out “dioxin or”; and

(C) in paragraph (2)—

(i) by striking out “four individuals” and inserting in lieu thereof “three individuals”; and

(ii) by striking out “dioxin or”.

(2) Subsection (d) is amended—

(A) by striking out “eleven” in paragraph (1) and inserting in lieu thereof “six”; and

(B) by striking out “be divided into” in paragraph (2) and all that follows through “(B) an eight-member panel with” and inserting in lieu thereof “have”.

38 USC 354 note.

(e) **EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect at the end of the six-month period beginning on the date of the enactment of this Act.

(2)(A) If the Secretary of Veterans Affairs determines before the end of such six-month period that the Environmental Hazards Advisory Committee established under section 6 of Public Law 98-542 (38 U.S.C. 354 note) has completed its responsibilities under that section and the directives of the Secretary pursuant to the Nehmer case court order, the amendments made by this section shall take effect as of the date of such determination.

(B) For purposes of this paragraph, the term “Nehmer case court order” means the court order dated May 2, 1989, in the case of *Nehmer v. Department of Veterans Affairs*, in the United States district court for the northern district of California (civil action docket number C-86-6160 TEH).

(3) If the Secretary makes a determination under paragraph (2), the Secretary shall promptly publish in the Federal Register a notice that such determination has been made and that such amendments have thereby taken effect as of the date of such determination.

Federal
Register,
publication.

Approved February 6, 1991.

LEGISLATIVE HISTORY—H.R. 556 (S. 238):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Jan. 29, considered and passed House.

Jan. 30, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Feb. 6, Presidential remarks and statement.

Public Law 102-5
102d Congress

Joint Resolution

To designate February 7, 1991, as "National Girls and Women in Sports Day".

Feb. 15, 1991

[H.J. Res. 30]

- Whereas women's athletics is one of the most effective avenues available through which women of America may develop self-discipline, initiative, confidence, and leadership skills;
- Whereas sport and fitness activity contributes to emotional and physical well-being and women need strong bodies as well as strong minds;
- Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;
- Whereas the number of women in leadership positions of coaches, officials, and administrators has declined drastically over the last decade and there is a need to restore women to these positions to ensure a fair representation of women's abilities and to provide role models for young female athletes;
- Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;
- Whereas the communication and cooperation skills learned through athletic experience play a key role in the athlete's contributions at home, at work, and to society;
- Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and exhibited for all of us the true meaning of fairness, determination, and team play;
- Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;
- Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;
- Whereas the performances of such female athletes as Jackie Joyner-Kersey, Florence Griffith Joyner, Bonnie Blair, Janet Evans, the United States Women's Basketball Team and many others in the 1988 Olympic Games were a source of inspiration and pride so to all of us;
- Whereas the athletic opportunities for male students at the collegiate and high school level remain significantly greater than those for female students; and
- Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 7, 1991, is hereby designated as "National Women and Girls in Sports Day", and the President is authorized and requested to issue a proclamation calling upon local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

Approved February 15, 1991.

LEGISLATIVE HISTORY—H.J. Res. 30 (S.J. Res. 66):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 6, considered and passed House and Senate.

Public Law 102-6
102d Congress

Joint Resolution

Commending the Peace Corps and the current and former Peace Corps volunteers on the thirtieth anniversary of the establishment of the Peace Corps.

Mar. 1, 1991
[S.J. Res. 76]

Whereas, on March 1, 1991, the Peace Corps of the United States of America concludes 30 years of promoting world peace and friendship, making available volunteers to help the peoples of other countries to meet their needs, and promoting mutual understanding between such peoples and the American people;

Whereas over 125,000 Americans have served in the Peace Corps in over 100 countries around the world;

Whereas Peace Corps programs and the efforts of individual volunteers have added significantly to mutual understanding between the people of the United States and the peoples of other countries;

Whereas Peace Corps volunteers work with their host country counterparts in seeking long-term solutions to complex human problems through efforts in education, agriculture, health, the environment, urban development, and small business;

Whereas Peace Corps volunteers have returned to their communities enriched by their experiences, more knowledgeable of the world, and more understanding of the challenges of building a lasting peace;

Whereas former Peace Corps volunteers continue to maintain friendships with the people of the countries with whom they served, thereby furthering the goals of international understanding and peace;

Whereas former Peace Corps volunteers continue to engage in volunteer-related activities in the United States, including activities that meet educational and other needs in the United States;

Whereas Peace Corps volunteers are now serving in more countries than ever before in all regions of the world; and

Whereas the response of Americans to the Peace Corps' call to serve continues to exceed the Peace Corps' recruiting requirements:
Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, on the occasion of the thirtieth anniversary of the establishment of the Peace Corps, the Congress (1) commends the Peace Corps and all those who have served as Peace Corps volunteers for the great contributions they have made to world peace and understanding, to the betterment of the lives of the citizens of the countries where volunteers have served, and to our own country, (2) reaffirms the United States' commitment, through the Peace Corps, to help peoples in countries around the world to meet their needs, and (3) urges the President to

issue a proclamation commending Peace Corps volunteers for their service in the promotion of world peace and understanding.

Approved March 1, 1991.

LEGISLATIVE HISTORY—S.J. Res. 76:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 21, considered and passed Senate.
Feb. 26, considered and passed House.

Public Law 102-7
102d Congress

Joint Resolution

To designate the week beginning March 4, 1991, as "Federal Employees Recognition Week".

Mar. 5, 1991
[S.J. Res. 51]

Whereas Federal employees serve the people of the United States by enabling the Federal Government to carry out its duties in an efficient manner;

Whereas more than three million individuals are employed by the Federal Government;

Whereas many valuable services performed by Federal employees are often inadequately recognized by Federal officials and by the people of the United States; and

Whereas Federal employees should be recognized for the contributions that they make to the efficient operation of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning March 4, 1991, is designated "Federal Employees Recognition Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Approved March 5, 1991.

LEGISLATIVE HISTORY—S.J. Res. 51:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 21, considered and passed Senate.
Feb. 27, considered and passed House.

Public Law 102-8
102d Congress

Joint Resolution

Mar. 8, 1991
[S.J. Res. 55]

Commemorating the two hundredth anniversary of United States-Portuguese diplomatic relations.

Whereas Portuguese navigators paved the way for the discovery of the New World in the fifteenth century;

Whereas in the 1700's, the Portuguese Navy extended to American shipping protection against the Barbary Pirates;

Whereas on February 21, 1791, the United States Congress ratified President Washington's nomination of the first United States minister to Portugal, marking the formal establishment of United States-Portuguese relations;

Whereas Portugal was an important trading partner in the early years of the United States Republic;

Whereas Portugal and the United States are both maritime nations with strong seafaring traditions;

Whereas the fishing industry contributed to the immigration of many Portuguese to the United States, particularly to New England;

Whereas more than one million two hundred thousand Americans trace their roots to Portugal;

Whereas the United States Consulate in the Azores, established in 1808, is the oldest active United States consulate post in the world;

Whereas in 1911, the United States was the first major power to recognize the new Portuguese Republic;

Whereas during both world wars, Portugal assisted the allies by allowing the use of its air base in the Azores;

Whereas since the 1974 revolution in Portugal, the United States-Portuguese relationship has continued to grow stronger;

Whereas as an active member of the European Community, Portugal is an important trans-Atlantic partner;

Whereas Portugal is a valued ally in the North Atlantic Treaty Organization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) on February 21, 1991, the Congress joins in celebrating the two hundredth anniversary of the establishment of United States-Portuguese diplomatic relations;

- (2) the Congress asserts continued friendship and cooperation between the peoples of the United States and Portugal; and
- (3) the President is authorized and requested to issue a proclamation marking the bicentennial of United States-Portuguese diplomatic relations.

Approved March 8, 1991.

LEGISLATIVE HISTORY—S.J. Res. 55:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 20, considered and passed Senate.
Feb. 26, 27, considered and passed House.



Public Law 102-9
102d Congress

Joint Resolution

Mar. 11, 1991
[S.J. Res. 58]

To designate March 4, 1991, as "Vermont Bicentennial Day".

Whereas 1991 marks the bicentennial of the end of the proud fourteen-year history of the Republic of Vermont;
Whereas the Republic of Vermont gave unstintingly to the cause of independence of the original thirteen colonies;
Whereas the Republic of Vermont became the State of Vermont on March 4, 1791, the first Republic to become a State and the fourteenth State to join the Union;
Whereas the State of Vermont has continued to contribute to the Union over the past two hundred years, first in agriculture, then in manufacturing, and always in education and political thought;
Whereas Vermont has been a leader in the preservation and use of its natural resources for the benefit of its own citizens, citizens of other States, and for generations of all citizens to come; and
Whereas on March 4, 1991, Vermont will begin its third century of statehood: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 4, 1991, is designated as "Vermont Bicentennial Day", and the President is authorized and requested to issue a proclamation acknowledging the contributions of the people of the State of Vermont during the past two hundred years.

Approved March 11, 1991.

LEGISLATIVE HISTORY—S.J. Res. 58:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 6, considered and passed Senate.
Feb. 27, considered and passed House.



Public Law 102-10
102d Congress

An Act

To make certain technical amendments to the National and Community Service Act,
and for other purposes.

Mar. 12, 1991
[S. 379]

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

National and
Community
Service
Technical
Amendments
Act of 1991.
42 USC 12501
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National and Community Service
Technical Amendments Act of 1991".

SEC. 2. REFERENCES.

Except as otherwise provided, whenever in this Act an amend-
ment 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 National and Commu-
nity Service Act (Public Law 101-610).

SEC. 3. DEFINITIONS.

Section 101 (42 U.S.C. 1241) is amended—

42 USC 12511.

(1) by inserting after paragraph (6), the following new para-
graph:

"(7) INDIAN.—The term 'Indian' means a person who is a
member of an Indian tribe.";

(2) by redesignating paragraphs (7) through (29) as paragraphs
(8) through (30), respectively;

(3) in paragraph (8) (as so redesignated), by inserting "an
Indian or" before "Indian tribes" each place that such appears;

(4) in paragraph (14) (as so redesignated), by adding at the end
thereof the following new sentence: "Participants shall not be
considered employees of the program.";

(5) in paragraph (23) (as so redesignated), by striking out
"students or out of school youth" and inserting in lieu thereof
"participants";

(6) in paragraph (24) (as so redesignated)—

(A) by striking out "MEMBER" in the paragraph heading
and inserting in lieu thereof "PARTICIPANT"; and

(B) by striking out "member" and inserting in lieu
thereof "participant"; and

(7) in paragraph (30) (as so redesignated), by inserting "corps"
after "youth service".

SEC. 4. PROGRAMS FOR STUDENTS AND OUT-OF-SCHOOL YOUTH.

Subtitle B of title I (42 U.S.C. 12421 et seq.) is amended—

(1) by striking out the subtitle heading and the heading of
part I and inserting in lieu thereof the following:

“Subtitle B—Programs for Students and Out-of-School Youth

“PART I—SERVE-AMERICA”;

- 42 USC 12521. (2) in section 111(a)(2)(B)(i) (42 U.S.C. 12421(a)(2)(B)(i)), by striking out “, and that is representative of the community in which such services will be provided”;
- 42 USC 12522. (3) in section 112 (42 U.S.C. 12422)—
 (A) by inserting “the Virgin Islands,” before “Guam” in subsection (a);
 (B) by inserting “solely” after “activities” in subsection (c);
 (C) by striking out “section 111(a)(2)” in subsection (c) and inserting in lieu thereof “paragraphs (2), (3), or (4) of section 111(a)”;
- 42 USC 12524. (4) in section 114 (42 U.S.C. 12424)—
 (A) by striking out “Youth Service Corps and National Service” in subsection (c)(7); and
 (B) by striking out “role” and inserting in lieu thereof “volunteer and”;
- 42 USC 12527. (5) in section 117(b)(1) (42 U.S.C. 12427(b)(1)), by inserting “evaluations,” after “insurance,”; and
- 42 USC 12531. (6) in section 118(d)(7) (42 U.S.C. 12428(d)(7))—
 (A) by striking out “in the program”; and
 (B) by striking out “project” and inserting in lieu thereof “program”.

SEC. 5. AMERICAN CONSERVATION AND YOUTH SERVICE CORPS.

Subtitle C of title I (42 U.S.C. 12441 et seq.) is amended—

- (1) in the subtitle heading by inserting “Service” before “Corps”;
- 42 USC 12542. (2) in section 122(e) (42 U.S.C. 12442(e)), by inserting “service” after “youth”;
- 42 USC 12543. (3) in section 123(c) (42 U.S.C. 12443(c))—
 (A) by striking out “and” at the end of paragraph (13);
 (B) by redesignating paragraph (14) as paragraph (15);
 and
 (C) by inserting after paragraph (13) the following new paragraph:
 “(14) a plan for ensuring that post-service education and training benefits are used solely for the purposes designated in this subtitle; and”;
- 42 USC 12544. (4) in section 124 (42 U.S.C. 12444)—
 (A) by striking out “human services” in subsection (a)(2) and inserting in lieu thereof “youth service”; and
 (B) by striking out “services in any project” and all that follows through “projects” in subsection (c) and inserting in lieu thereof “any specific activity for more than a 6-month period. No participant shall remain enrolled in programs”;
- 42 USC 12548. (5) in section 128(a)(3) (42 U.S.C. 12448(a)(3)), by striking out “project or service” and inserting in lieu thereof “activity”;
- 42 USC 12553. (6) in section 133(d)(1) (42 U.S.C. 12453(a)(3)), by striking out “subsections (a) and (c)” and inserting in lieu thereof “subsection (a)”;

- (7) by striking out section 136 (42 U.S.C. 12456). 42 USC 12556.
- SEC. 6. NATIONAL AND COMMUNITY SERVICE.**
- (a) **ELIGIBILITY.**—Section 145(c) (42 U.S.C. 12475(c)) is amended— 42 USC 12575.
 (1) by striking out “member” and inserting in lieu thereof
 “participant” in the matter preceding paragraph (1); and
 (2) by striking out “membership” and inserting in lieu thereof
 “participation” in paragraph (2).
- (b) **POST-SERVICE BENEFITS.**—Section 146(e)(2) (42 U.S.C.
 12476(e)(2)) is amended by inserting “benefit” before “provided”. 42 USC 12576.
- SEC. 7. INNOVATIVE AND DEMONSTRATION PROGRAMS AND PROJECTS.**
- Section 157(c) (42 U.S.C. 12502(c)) is amended— 42 USC 12602.
 (1) in paragraph (7)—
 (A) by striking out “in the program”; and
 (B) by striking out “project” and inserting in lieu thereof
 “program”; and
 (2) in paragraph (8), by striking out “in a program”.
- SEC. 8. ADMINISTRATIVE PROVISIONS.**
- Subtitle F of title I (42 U.S.C. 12531 et seq.) is amended—
 (1) in section 178(b)(1)(B) (42 U.S.C. 12538(b)(1)(B)) by striking 42 USC 12638.
 out “youth service corps” and inserting in lieu thereof “youth
 corps”; and
 (2) by inserting after section 185 (42 U.S.C. 12545) the follow-
 ing new section:
- “SEC. 186. REGULATIONS.** 42 USC 12645.
 “Prior to the end of the 180-day period beginning on the date of
 enactment of the National and Community Service Act of 1990, the
 Commission shall issue final rules or regulations necessary to imple-
 ment the provisions of this title.”.
- SEC. 9. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.**
- Section 190 (42 U.S.C. 12551)— 42 USC 12651.
 (1) in subsection (b)—
 (A) by striking out “Senate,” in paragraph (1)(A) and all
 that follows and inserting in lieu thereof the following:
 “Senate. To the maximum extent practicable, an effort
 should be made to appoint members—
 “(i) who have extensive experience in volunteer and
 service opportunity programs and who represent a
 broad range of viewpoints; and
 “(ii) so that the Board shall be diverse according to
 race, ethnicity, age, gender, and political party mem-
 bership.”; and
 (B) by striking out paragraphs (2), (3), and (4) and insert-
 ing in lieu thereof the following new paragraph:
 “(2) **TERMS.**—Each member of the Board shall serve for a term
 of 3 years, except that seven of the initial members of the Board
 shall serve for a term of 1 year and seven shall serve for a term
 of 2 years, as designated by the President.”;
 (2) in subsection (c)(7), by striking out “national service dem-
 onstration program” and inserting “program authorized by sub-
 title D”; and

(4) in subsection (f)(3), by striking out “National and regional clearinghouses” and inserting in lieu thereof “Clearinghouses”.

SEC. 10. YOUTHBUILD.

42 USC 5091m.

Section 715 of the Domestic Volunteer Service Act of 1973 is amended by striking out “Secretary” and inserting “Director”.

Approved March 12, 1991.

LEGISLATIVE HISTORY—S. 379:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 6, considered and passed Senate.
Feb. 26, considered and passed House.

Public Law 102-11
102d Congress

Joint Resolution

Disapproving the action of the District of Columbia Council in approving the
Schedule of Heights Amendment Act of 1990.

Mar. 12, 1991

[S.J. Res. 84]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Schedule of Heights Amendment Act of 1990 (D.C. Act 8-329), signed by the Mayor of the District of Columbia on December 27, 1990, and transmitted to Congress pursuant to section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act on January 15, 1991.

Approved March 12, 1991.

LEGISLATIVE HISTORY—S.J. Res. 84 (H.J. Res. 158):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 5, considered and passed Senate.

Mar. 6, H.J. Res. 158 and S.J. Res. 184 considered and passed House.

Public Law 102-12
102d Congress

An Act

Mar. 18, 1991
[H.R. 555]

To amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Soldiers' and
Sailors' Civil
Relief Act
Amendments of
1991.
50 USC app.
501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

SEC. 2. EVICTION AND DISTRESS DURING MILITARY SERVICE.

(a) **INCREASED MAXIMUM RENTAL AMOUNT FOR APPLICABILITY OF STAY.**—Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530) is amended by striking out "\$150" in subsection (1) and inserting in lieu thereof "\$1,200".

(b) **TECHNICAL AMENDMENTS.**—Such section is further amended—

(1) by redesignating subsections (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(2) in subsection (c), as so redesignated, by striking out "subsection (1) hereof" and inserting in lieu thereof "subsection (a)".

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) applies to actions for eviction or distress that are commenced after July 31, 1990.

50 USC app.
530 note.

SEC. 3. EXTENSION OF POWER OF ATTORNEY PROTECTION.

Subsection (c) of section 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 591) is amended to read as follows:

"(c) This section applies to the following powers of attorney executed by a person in military service or under a call or order to report for military service (or who has been advised by an official of the Department of Defense that such person may receive such a call or order):

"(1) A power of attorney that is executed during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

"(2) A power of attorney that expires by its terms after July 31, 1990."

SEC. 4. PROFESSIONAL LIABILITY PROTECTION FOR CERTAIN PERSONS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 is amended by adding at the end the following new section:

"**SEC. 702.** (a) This section applies to a person who—

"(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10, United States Code, or who is ordered to active duty under section 672(d) of such title during a period

50 USC app.
592.

when members are on active duty pursuant to any of the preceding sections; and

“(2) immediately before receiving the order to active duty—

“(A) was engaged in the furnishing of health-care services or other services determined by the Secretary of Defense to be professional services; and

“(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to such person during the period of the person’s active duty unless the premiums are paid for such coverage for such period.

“(b)(1) Coverage of a person referred to in subsection (a) by a professional liability insurance policy shall be suspended in accordance with this subsection upon receipt of the written request of such person by the insurance carrier.

“(2) A professional liability insurance carrier—

“(A) may not require that premiums be paid by or on behalf of a person for any professional liability insurance coverage suspended pursuant to paragraph (1); and

“(B) shall refund any amount paid for coverage for the period of such suspension or, upon the election of such person, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

“(3) A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a person that occurs during a period of suspension of that person’s professional liability insurance under this subsection. For the purposes of the preceding sentence, a claim based upon the failure of a professional to make adequate provision for patients to be cared for during the period of the professional’s active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

“(c)(1) Professional liability insurance coverage suspended in the case of any person pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that person transmits to the insurance carrier a written request for reinstatement.

“(2) The request of a person for reinstatement shall be effective only if the person transmits the request to the insurance carrier within 30 days after the date on which the person is released from active duty. The insurance carrier shall notify the person of the due date for payment of the premium of such insurance. Such premium shall be paid by the person within 30 days after the receipt of that notice.

“(3) The period for which professional liability insurance coverage shall be reinstated for a person under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

“(d) An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any person for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the

suspension, except to the extent of any general increase in the premium amounts charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

“(e) This section does not—

“(1) require a suspension of professional liability insurance coverage for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

“(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

“(f)(1) A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a person whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

“(A) the action was commenced during that period;

“(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

“(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability of the person.

“(2) Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any person, the action shall be deemed to have been filed on the date on which the professional liability insurance coverage of such person is reinstated under subsection (c).

“(g) In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

“(h) If a person whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

“(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such person under subsection (f)(1) shall terminate on the date of the death of such person; and

“(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased person in the same manner and to the same extent as such carrier would be liable if the person had died while covered by such insurance but before the claim was filed.

“(i) In this section:

“(1) The term ‘active duty’ has the meaning given that term in section 101 of title 10, United States Code.

“(2) The term ‘profession’ includes occupation.

“(3) The term ‘professional’ includes occupational.”.

SEC. 5. HEALTH INSURANCE REINSTATEMENT UPON REEMPLOYMENT.

(a) AMENDMENT TO TITLE 38.—Paragraph (1) of section 2021(b) of title 38, United States Code, is amended—

(1) by inserting “(A)” after “(b)(1)”; and

(2) by adding at the end the following:

“(B) In the case of employer-offered health insurance, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a person entitled to participate in that insurance under subparagraph (A), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

“(i) the condition arose before or during that person’s period of training or service in the Armed Forces;

“(ii) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

“(iii) the condition of such person has not been determined by the Secretary to be service-connected.”.

(b) AMENDMENT TO SOLDIERS’ AND SAILORS’ CIVIL RELIEF ACT OF 1940.—Article VII of the Soldiers’ and Sailors’ Civil Relief Act of 1940 is amended by adding after section 702, as added by section 4, the following new section:

“SEC. 703. (a) A person who, by reason of military service described in section 702(a)(1), is entitled to the rights and benefits of this Act shall also be entitled upon release from such military service to reinstatement of any health insurance which (1) was in effect on the day before such service commenced, and (2) was terminated effective on a date during the period of such service.

50 USC app.
593.

“(b) An exclusion or a waiting period may not be imposed in connection with reinstatement of health insurance coverage of a health or physical condition of a person under subsection (a), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

“(1) the condition arose before or during that person’s period of training or service in the Armed Forces;

“(2) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

“(3) the condition of such person has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

“(c) Subsection (a) does not apply in the case of employer-offered insurance benefits in which a person referred to in such subsection is entitled to participate pursuant to the provisions of chapter 43 of title 38, United States Code.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990.

38 USC 2021
note.

SEC. 6. STAY OF JUDICIAL PROCEEDINGS.

(a) STAY OF ACTION OR PROCEEDING.—In any judicial action or proceeding (other than a criminal proceeding) in which a member of the Armed Forces described in subsection (b) is involved (either as plaintiff or defendant), the court shall, upon application by such member (or some other person on the member’s behalf) at any stage before final judgment is entered, stay the action or proceeding until a date after June 30, 1991.

50 USC app.
521 note.

(b) MEMBERS COVERED.—A member of the Armed Forces is covered by subsection (a) if at the time of application for the stay of a judicial action or proceeding the member—

(1) is on active duty; and

(2) is serving outside the State in which the court having jurisdiction over the action or proceeding is located.

(c) **DEFINITION.**—For purposes of this section, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 7. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.

Article I of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 510 et seq.) is amended by adding at the end the following new section:

50 USC app.
518.

“SEC. 108. Application by a person in military service for, or receipt by a person in military service of, a stay, postponement, or suspension pursuant to the provisions of this Act in the payment of any tax, fine, penalty, insurance premium, or other civil obligation or liability of that person shall not itself (without regard to other considerations) provide the basis for any of the following:

“(1) A determination by any lender or other person that such person in military service is unable to pay such civil obligation or liability in accordance with its terms.

“(2) With respect to a credit transaction between a creditor and such person in military service—

“(A) a denial or revocation of credit by the creditor;

“(B) a change by the creditor in the terms of an existing credit arrangement; or

“(C) a refusal by the creditor to grant credit to such person in substantially the amount or on substantially the terms requested.

“(3) An adverse report relating to the creditworthiness of such person in military service by or to any person or entity engaged in the practice of assembling or evaluating consumer credit information.

“(4) A refusal by an insurer to insure such person.”.

SEC. 8. CLARIFICATION OF TITLE 38 REEMPLOYMENT RIGHTS COVERAGE FOR RESERVISTS.

(a) **IN GENERAL.**—(1) Subsection (g) of section 2024 of title 38, United States Code, is amended—

(A) by striking out “active duty for not more than 90 days” and inserting in lieu thereof “active duty (other than for training)”; and

(B) by inserting “, including any period of extension of active duty under section 673b of title 10” before the period at the end.

(2) The amendments made by paragraph (1) shall apply to any member of a reserve component of the Armed Forces who is ordered to active duty (other than for training) under section 673b of title 10, United States Code, after July 31, 1990.

(b) **TECHNICAL AMENDMENT.**—(1) Subsection (a) of such section is amended by striking out “provided for by this section” and inserting in lieu thereof “provided for by this chapter”.

(2) The amendment made by paragraph (1) shall take effect as of December 3, 1974.

SEC. 9. TECHNICAL AMENDMENTS TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.

The Soldiers' and Sailors' Civil Relief Act of 1940 is amended as follows:

38 USC 2024
note.

Effective date.
38 USC 2024
note.

- (1) Section 101 (50 U.S.C. App. 511) is amended—
- (A) in paragraph (1), by inserting “the Air Force,” after “the Marine Corps,”; and
- (B) in paragraph (2), by striking out “shall include” and all that follows through “discharge” and inserting in lieu thereof “means, in the case of any person, the period beginning on the date on which the person enters active service and ending on the date of the person’s release”.
- (2) Section 102 (50 U.S.C. App. 512) is amended by striking out “, including the Philippine Islands while under the sovereignty of the United States,”.
- (3) Section 103(4) (50 U.S.C. App. 513(4)) is amended by striking out “after the date of the enactment of the Soldiers’ and Sailors’ Civil Relief Act Amendments of 1942”.
- (4) Section 105 (50 U.S.C. App. 515) is amended—
- (A) by striking out “The Secretary of War and the Secretary of the Navy” and all that follows through “to insure” in the first sentence and inserting in lieu thereof “The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall ensure”; and
- (B) by striking out “the Secretary of War and the Secretary of the Navy” in the second sentence and inserting in lieu thereof “the Secretary of Defense and the Secretary of Transportation”.
- (5) Section 106 (50 U.S.C. App. 516) is amended—
- (A) by striking out “Selective Training and Service Act of 1940, as amended,” and inserting in lieu thereof “Military Selective Service Act (50 U.S.C. App. 451 et seq.)”;
- (B) by striking out “the Enlisted Reserve Corps” and inserting in lieu thereof “a reserve component of the Armed Forces”; and
- (C) by striking out “he reports for such service” and inserting in lieu thereof “such member reports for military service or the date on which the order is revoked, whichever is earlier”.
- (6) Section 205 (50 U.S.C. App. 525) is amended by striking out “the date of enactment of the Soldiers’ and Sailors’ Civil Relief Act Amendments of 1942” and inserting in lieu thereof “October 6, 1942”.
- (7) Section 206 (50 U.S.C. App. 526) is amended—
- (A) by striking out “per centum per annum” each place it appears and inserting in lieu thereof “percent per year”; and
- (B) by striking out “prior to his entry” and all that follows through “bear interest” and inserting in lieu thereof “before that person’s entry into that service shall, during any part of the period of military service, bear interest”.
- (8) Section 300 (50 U.S.C. App. 530) is amended—
- (A) in subsection (c), as redesignated by section 2(b), by striking out “shall be guilty” and all that follows through “\$1,000,” and inserting in lieu thereof “shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,”; and
- (B) in subsection (d), as redesignated by section 2(b), by striking out “Secretary of War,” and all that follows

through "as the case may be," and inserting in lieu thereof "Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy,".

(9) Sections 301(2), 302(4), 304(3), and 305(3) (50 U.S.C. App. 531(2), 532(4), 534(3), 535(3)) are amended by striking out "shall be guilty" and all that follows through "\$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,".

(10) Section 302(3) (50 U.S.C. App. 532(3)) is amended by striking out "after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 and" .

(11) Section 400(a) (50 U.S.C. App. 540(a)) is amended by striking out "before the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 or not less than one hundred and eighty days before" in clause (2) and inserting in lieu thereof "not less than 180 days before" .

(12) Section 401 (50 U.S.C. App. 541) is amended—

(A) by striking out "Administrator of Veterans' Affairs" in the first sentence and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary"; and

(C) by striking out "Administrator" in the last sentence and inserting in lieu thereof "Secretary" .

(13) Section 402 (50 U.S.C. App. 542) is amended—

(A) in the first sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary" .

(14) Section 403 (50 U.S.C. App. 543) is amended—

(A) in the first sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary" .

(15) Section 404 (50 U.S.C. App. 544) is amended by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs" .

(16) Section 405 (50 U.S.C. App. 545) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs" .

(17) Section 407 (50 U.S.C. App. 547) is amended—

(A) in the first sentence, by striking out "The Administrator of Veterans' Affairs is hereby authorized and directed to" and inserting in lieu thereof "The Secretary of Veterans Affairs shall"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary" .

(18) Section 408 (50 U.S.C. App. 548) is repealed.

(19) Section 504(3) (50 U.S.C. App. 564(3)) is amended by striking out "within six months after the effective date of this Act or" .

Repeal.

(20) Section 505(1) (50 U.S.C. App. 565(1)) is amended by inserting "(30 U.S.C. 28)" after "section 2324 of the Revised Statutes of the United States".

(21) Section 506(2) (50 U.S.C. App. 566(2)) is amended—

(A) by striking out "six months after the effective date of this Act or"; and

(B) by striking out "General Land Office" and inserting in lieu thereof "Bureau of Land Management".

(22) Section 507 (50 U.S.C. App. 567) is amended—

(A) by striking out "General Land Office" in the second sentence and inserting in lieu thereof "Bureau of Land Management";

(B) by striking out "a register of a United States land office" in the third sentence and inserting in lieu thereof "an officer designated by the Secretary of the Interior"; and

(C) by striking out ", inclusive" in the last sentence.

(23) Section 510(2) (50 U.S.C. App. 570(2)) is amended by striking out "prior to the effective date of this Act" and inserting in lieu thereof "before October 17, 1940".

(24) Section 514 (50 U.S.C. App. 574) is amended—

(A) by striking out "orders: *Provided*, That nothing" in paragraph (1) and inserting in lieu thereof "orders. Nothing"; and

(B) by striking out "the use thereof:" in paragraph (2) and all that follows through "has been paid" and inserting in lieu thereof "the use thereof, but only if a license, fee, or excise required by the State or territory, possession, or District of Columbia of which the person is a resident or in which the person is domiciled has been paid".

(25) Section 600 (50 U.S.C. App. 580) is amended by striking out "the date of the approval of this Act" and inserting in lieu thereof "October 17, 1940,".

(26) Section 601 (50 U.S.C. App. 581) is amended—

(A) in paragraph (1), by striking out "Chief of the Bureau of Navigation of the Navy Department" and inserting in lieu thereof "Chief of Naval Personnel"; and

(B) in paragraph (3)—

(i) by striking out "Department of War or the Navy" and inserting in lieu thereof "Department of Defense"; and

(ii) by striking out "jurisdiction: *Provided*, That no" and inserting in lieu thereof "jurisdiction. No".

(27) Section 604 (50 U.S.C. App. 584) is amended—

(A) by striking out "1945: *Provided*, That" and inserting in lieu thereof "1945, except that"; and

(B) by striking out “thereafter: *Provided further*, That whenever” and inserting in lieu thereof “thereafter. Whenever”.

Approved March 18, 1991.

LEGISLATIVE HISTORY—H.R. 555 (S. 330):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Jan. 29, considered and passed House.

Feb. 21, considered and passed Senate, amended, in lieu of S. 330.

Feb. 27, House concurred in Senate amendment.

Public Law 102-13
102d Congress

Joint Resolution

Designating March 4 through 10, 1991, as "National School Breakfast Week".

Mar. 18, 1991

[H.J. Res. 98]

Whereas participating in a school breakfast program is an important way children can improve their nutrition, and good nutrition is integrally related to learning;

Whereas, in 1988, an estimated 4,000,000 children participated in their school breakfast programs in 38,000 schools across the country;

Whereas studies have shown that participating in school breakfast programs improves students' academic performance and decreases their rates of tardiness and absenteeism; and

Whereas the chief responsibility of the school food service is to assure that children will not suffer academically because they are hungry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 4 through 10, 1991, is designated as "National School Breakfast Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved March 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 98:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 27, considered and passed House.
Mar. 7, considered and passed Senate.

Public Law 102-14
102d Congress

Joint Resolution

Mar. 20, 1991

[H.J. Res. 104]

To designate March 26, 1991, as "Education Day, U.S.A.".

- Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded;
- Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws;
- Whereas without these ethical values and principles the edifice of civilization stands in serious peril of returning to chaos;
- Whereas society is profoundly concerned with the recent weakening of these principles that has resulted in crises that beleaguer and threaten the fabric of civilized society;
- Whereas the justified preoccupation with these crises must not let the citizens of this Nation lose sight of their responsibility to transmit these historical ethical values from our distinguished past to the generations of the future;
- Whereas the Lubavitch movement has fostered and promoted these ethical values and principles throughout the world;
- Whereas Rabbi Menachem Mendel Schneerson, leader of the Lubavitch movement, is universally respected and revered and his eighty-ninth birthday falls on March 26, 1991;
- Whereas in tribute to this great spiritual leader, "the rebbe", this, his ninetieth year will be seen as one of "education and giving", the year in which we turn to education and charity to return the world to the moral and ethical values contained in the Seven Noahide Laws; and
- Whereas this will be reflected in an international scroll of honor signed by the President of the United States and other heads of state: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 26,

1991, the start of the ninetieth year of Rabbi Menachem Schneerson, leader of the worldwide Lubavitch movement, is designated as "Education Day, U.S.A.". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved March 20, 1991.

LEGISLATIVE HISTORY—H.J. Res. 104:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 5, considered and passed House.

Mar. 7, considered and passed Senate.

Public Law 102-15
102d Congress

Joint Resolution

Mar. 21, 1991
[H.J. Res. 133]

Authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week".

Whereas individuals aged 55 and over are a major national resource, constitute 22 percent of the population of the United States at the present time, and are likely to constitute a larger percentage of the population in future decades;

Whereas a growing number of such individuals, being willing and able to work, are looking for employment opportunities, want to remain in the workforce, or would like to serve their communities and their Nation in voluntary roles;

Whereas such individuals, who have made continuing contributions to the national welfare, should be encouraged to remain in, or resume, career and voluntary roles that utilize their strengths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth, and independence of older individuals by encouraging them to make decisions and to act upon those decisions, by tapping their resources, experience, and knowledge, and by enabling them to contribute to society;

Whereas the operation of title V of the Older Americans Act of 1965 has demonstrated that older workers are extremely capable in a wide variety of job roles;

Whereas recent studies conducted by the Department of Labor and the Work in America Institute indicate that, in many cases, employers prefer to retain older workers or rehire former older employees due to the high quality of their job performance and their low rate of absenteeism; and

Whereas the American Legion has sponsored a "National Employ the Older Worker Week" during the second full week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the second full week in March 1991 as "National Employ the Older Worker Week", and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, with a view toward expanding career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the workforce;

(2) voluntary organizations to reexamine the many fine service programs which they sponsor with a view toward expanding both the number of older volunteers and the types of service roles open to older workers;

(3) the Department of Labor to give special assistance to older workers by means of job training programs under the Jobs

Training and Partnership Act, job counseling through the United States Employment Service, and additional support through its Older Worker program, as authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe this day with appropriate programs, ceremonies, and activities.

Approved March 21, 1991.

LEGISLATIVE HISTORY—H.J. Res. 133:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 5, considered and passed House.

Mar. 14, considered and passed Senate.

Public Law 102-16
102d Congress

An Act

Mar. 22, 1991
[H.R. 180]

To amend title 38, United States Code, with respect to veterans education and employment programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

Section 2011(2)(B) of title 38, United States Code, is amended by striking out "1991" and inserting in lieu thereof "1994".

SEC. 2. EDUCATIONAL AND VOCATIONAL COUNSELING.

(a) **IN GENERAL.**—Chapter 36 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 1797A. Educational and vocational counseling

"(a) The Secretary shall make available to an individual described in subsection (b) of this section, upon such individual's request, counseling services, including such educational and vocational counseling and guidance, testing, and other assistance as the Secretary determines necessary to aid the individual in selecting—

"(1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective; or

"(2) an employment objective that would be likely to provide such individual with satisfactory employment opportunities in the light of the individual's personal circumstances.

"(b) For the purposes of this section, the term 'individual' means an individual who—

"(1) is eligible for educational assistance under chapter 30, 31, or 32 of this title or chapter 106 or 107 of title 10;

"(2) was discharged or released from active duty under conditions other than dishonorable if not more than one year has elapsed since the date of such last discharge or release from active duty; or

"(3) is serving on active duty in any State with the Armed Forces and is within 180 days of the estimated date of such individual's discharge or release from active duty under conditions other than dishonorable, including those who are making a determination of whether to continue as members of the Armed Forces.

"(c) In any case in which the Secretary has rated the individual as being incompetent, the counseling services described in subsection (a) of this section shall be required to be provided to the individual before the selection of a program of education or training.

"(d) At such intervals as the Secretary determines necessary, the Secretary shall make available information concerning the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collect-

ing such information shall be utilized to the extent the Secretary determines practicable.

“(e) The Secretary shall take appropriate steps (including individual notification where feasible) to acquaint all individuals described in subsection (b) of this section with the availability and advantages of counseling services under this section.”

(b) **CONFORMING AMENDMENTS.**—(1) Chapter 34 of such title is amended—

(A) by striking out section 1663; and

(B) in the table of sections of such chapter, by striking out “1663. Educational and vocational counseling.”

(2) Sections 1434(a)(1) and 1641(a)(1) of such title are amended by striking out “1663.”

(3) Section 1797(a) of such title is amended by inserting “under section 1797A of this title or to an individual” after “individual”.

(4) The table of sections of chapter 36 of such title is amended by adding the following new item at the end of the items for subchapter II:

“1797A. Educational and vocational counseling.”

SEC. 3. VOCATIONAL REHABILITATION.

(a) **REHABILITATION UNDER CHAPTER 31.**—Section 1502(1)(B) of title 38, United States Code, is amended by striking out “for a service-connected disability” and all that follows through “determines” and inserting in lieu thereof “or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that (i) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment either is doing so under contract or agreement with the Secretary concerned or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned, and (ii) the person is suffering from a disability which”.

(b) **HANDLING FEES.**—(1) Section 1504(a)(7) of such title is amended—

(A) by inserting “(A)” before “Vocational”;

(B) by redesignating clauses (A) and (B) as clauses (i) and (ii);

(C) by striking out “and licensing” and inserting in lieu thereof “handling charges, licensing”; and

(D) by adding at the end the following new subparagraph:

“(B) Payment for the services and assistance provided under subparagraph (A) of this paragraph shall be made from funds available for the payment of readjustment benefits.”

(2) The amendments made by this subsection shall apply only to payments made on or after the date of the enactment of this Act.

38 USC 1504
note.

(c) **AMOUNT OF ALLOWANCE.**—Section 1508(c)(2) of such title is amended by inserting “, State, or local government” after “Federal”.

SEC. 4. EXTENSION OF THE PERIOD PRECEDING AUTOMATIC DISENROLLMENT UNDER CHAPTER 32.

Section 1632(b)(1) of title 38, United States Code, is amended by inserting before the comma “and at the end of one year thereafter has not filed a claim for utilizing such entitlement”.

SEC. 5. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—Section 1642 and paragraph (3) of section 1798(e) of title 38, United States Code, are repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 32 of such title is amended by striking out the item for section 1642.

SEC. 6. PROVISION FOR CERTAIN INDIVIDUALS TO ELIMINATE AN OVER-PAYMENT BY PERFORMING WORK-STUDY SERVICES.

(a) **IN GENERAL.**—Section 1685 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Subject to paragraph (2) of this subsection, the Secretary may, notwithstanding any other provision of law, enter into an agreement with an individual under this section, or a modification of such an agreement, whereby the individual agrees to perform services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section and agrees that the Secretary shall, in lieu of paying the work-study allowance payable for such services, as provided in subsection (a) of this section, deduct the amount of the allowance from the amount which the individual has been determined to be indebted to the United States by virtue of such individual’s participation in a benefits program under this chapter, chapter 30, 31, 32, 35, or 36 (other than an education loan under subchapter III) of this title, or chapter 106 of title 10 (other than an indebtedness arising from a refund penalty imposed under section 2135 of such title).

“(2)(A) Subject to subparagraph (B) of this paragraph, the provisions of this section (other than those provisions which are determined by the Secretary to be inapplicable to an agreement under this subsection) shall apply to any agreement authorized under paragraph (1) of this subsection.

“(B) For the purposes of this subsection, the Secretary may—

“(i) waive, in whole or in part, the limitations in subsection (a) of this section concerning the number of hours and periods during which services can be performed by the individual and the provisions of subsection (b) of this section requiring the individual’s pursuit of a program of rehabilitation, education, or training;

“(ii) in accordance with such terms and conditions as may be specified in the agreement under this subsection, waive or defer charging interest and administrative costs pursuant to section 3115 of this title on the indebtedness to be satisfied by performance of the agreement; and

“(iii) notwithstanding the indebtedness offset provisions of section 3114 of this title, waive or defer until the termination of an agreement under this subsection the deduction of all or any portion of the amount of indebtedness covered by the agreement from future payments to the individual as described in section 3114 of this title.

“(3)(A) Subject to the provisions of subparagraphs (B) and (C) of this paragraph, an agreement authorized under this subsection shall terminate in accordance with the provisions of this section and the terms and conditions of the agreement which are consistent with this subsection.

“(B) In no event shall an agreement under this subsection continue in force after the total amount of the individual’s indebtedness described in paragraph (1) of this subsection has been recouped, waived, or otherwise liquidated.

“(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this paragraph, if the Secretary finds that an individual was without fault and was allowed to perform services described in the agreement after its termination, the Secretary shall, as reasonable compensation therefor, pay the individual at the applicable hourly minimum wage rate for such services as the Secretary determines were satisfactorily performed.

“(4) The Secretary shall promulgate regulations to carry out this subsection.” Regulations.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—(1) Section 1685(a)(2) of such title is amended by inserting “and subsection (e) of this section” after “subsection”.

(2) Section 1685(b) of such title is amended by inserting before “utilize” in the first sentence “, subject to the provisions of subsection (e) of this section,”.

(3) Section 3114(a) of such title is amended by inserting before the comma “and section 1685(e) of this title”.

(4) Section 3115(a) of such title is amended by striking out “section 3102” and inserting in lieu thereof “sections 1685(e) and 3102”.

SEC. 7. EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

(a) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE.—Section 1641 of title 38, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

“(b)(1) The Secretary may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of this title) by an individual entitled to basic educational assistance under this chapter if—

“(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

“(B) the individual possesses a valid pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

“(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

“(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.”

(b) BENEFIT AMOUNT AND ENTITLEMENT CHARGE.—Section 1631 of such title is amended—

(1) in subsection (a)(2), by inserting “subsection (f) of this section and” after “provided in”; and

(2) by adding at the end the following new subsection:

“(f)(1) Subject to subsection (a)(1) of this section, each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 1641(b) of this title shall be paid educational assistance under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

“(2) No payment may be paid under this chapter to an individual for any month during which such individual is pursuing a program

of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

“(3) The entitlement of an eligible veteran pursuing a program of education described in paragraph (1) of this subsection shall be charged at the rate of one month for each amount of educational assistance paid which is equal to the monthly benefit otherwise payable to such veteran (computed on the basis of the formula provided in subsection (a)(2) of this section).”

38 USC 1631
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on April 1, 1991.

SEC. 8. COMMITTEE ON VETERANS' EMPLOYMENT.

(a) **IN GENERAL.**—Section 2010 of title 38, United States Code, is amended to read as follows:

“§ 2010. Advisory Committee on Veterans Employment and Training

Establishment.

“(a)(1) There is hereby established within the Department of Labor an advisory committee to be known as the Advisory Committee on Veterans Employment and Training.

“(2) The advisory committee shall—

“(A) assess the employment and training needs of veterans;

“(B) determine the extent to which the programs and activities of the Department of Labor are meeting such needs; and

“(C) carry out such other activities that are necessary to make the reports and recommendations referred to in subsection (f) of this section.

“(b) The Secretary of Labor shall, on a regular basis, consult with and seek the advice of the advisory committee with respect to the matters referred to in subsection (a)(2) of this section.

“(c)(1) The Secretary of Labor shall, within 90 days after the date of the enactment of this section, appoint at least 12, but no more than 18, individuals to serve as members of the advisory committee consisting of—

“(A) representatives nominated by veterans' organizations that are chartered by Federal law and have a national employment program; and

“(B) not more than 6 individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.

“(2) A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

“(d) The following, or their representatives, shall be ex officio, nonvoting members of the advisory committee:

“(1) The Secretary of Veterans Affairs.

“(2) The Secretary of Defense.

“(3) The Secretary of Health and Human Services.

“(4) The Secretary of Education.

“(5) The Director of the Office of Personnel Management.

“(6) The Assistant Secretary of Labor for Veterans Employment and Training.

“(7) The Assistant Secretary of Labor for Employment and Training.

“(8) The Chairman of the Equal Employment Opportunity Commission.

“(9) The Administrator of the Small Business Administration.

“(10) The Postmaster General.

“(11) The Director of the United States Employment Service.

“(12) Representatives of—

“(A) other Federal departments and agencies requesting a representative on the advisory committee; and

“(B) nationally based organizations with a significant involvement in veterans employment and training programs, as determined necessary and appropriate by the Secretary of Labor.

“(e)(1) The advisory committee shall meet at least quarterly.

“(2) The Secretary of Labor shall appoint the chairman of the advisory committee who shall serve in that position for no more than 2 consecutive years.

“(3)(A) Members of the advisory committee shall serve without compensation.

“(B) Members of the advisory committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the responsibilities of the Board.

“(4) The Secretary of Labor shall provide staff and administrative support to the advisory committee through the Veterans Employment and Training Service.

“(f)(1) Not later than July 1 of each year, the advisory committee shall submit to the Secretary of Labor a report on the employment and training needs of veterans. Each such report shall contain—

“(A) an assessment of the employment and training needs of veterans;

“(B) an evaluation of the extent to which the programs and activities of the Department of Labor are meeting such needs; and

“(C) any recommendations for legislation, administrative action, and other action that the advisory committee considers appropriate.

“(2) In addition to the annual reports made under paragraph (1), the advisory committee may make recommendations to the Secretary of Labor with respect to the employment and training needs of veterans at such times and in such manner as the advisory committee determines appropriate.

“(g) Within 60 days after receiving each annual report referred to in subsection (f)(1), the Secretary of Labor shall transmit to Congress a copy of the report together with any comments concerning the report that the Secretary considers appropriate.

“(h) The advisory committee shall continue until terminated by law.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 41 of such title is amended by striking out the item for section 2010 and inserting in lieu thereof the following:

“2010. Advisory Committee on Veterans Employment and Training.”

SEC. 9. VETERANS READJUSTMENT APPOINTMENTS.

(a) **POLICY.**—Section 2014(a)(1) of title 38, United States Code, is amended—

(1) by striking out “It is the policy of the United States” and inserting in lieu thereof the following: “The United States has an obligation to assist veterans of the Armed Forces in readjusting to civilian life since veterans, by virtue of their military service, have lost opportunities to pursue education and training oriented toward civilian careers. The Federal Government is also continuously concerned with building an effective work force, and veterans constitute a major recruiting source. It is, therefore, the policy of the United States”; and

(2) by striking out “certain veterans of the Vietnam era” and all that follows through the period and inserting in lieu thereof “disabled veterans and certain veterans of the Vietnam era and of the post-Vietnam era who are qualified for such employment and advancement.”.

(b) **IMPLEMENTATION.**—(1) Section 2014(b)(1) of such title is amended—

(A) in clause (A), by striking out “up to” and all that follows through the semicolon and inserting in lieu thereof “up to and including the level GS-11 or its equivalent;”;

(B) by striking out clauses (B) and (C) and inserting in lieu thereof the following:

“(B) a veteran shall be eligible for such an appointment without regard to the number of years of education completed by such veteran;

“(C) a veteran who is entitled to disability compensation under the laws administered by the Department of Veterans Affairs or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty shall be given a preference for such an appointment over other veterans;

“(D) a veteran receiving such an appointment shall—

“(i) in the case of a veteran with less than 15 years of education, receive training or education; and

“(ii) upon successful completion of the prescribed probationary period, acquire a competitive status; and”;

(C) by striking out clauses (E) and (F); and

(D) by redesignating clause (D) as clause (E) and by striking out “; and” at the end of such clause and inserting in lieu thereof a period.

(2) Section 2014(b) of such title is amended by striking out subparagraph (B) of paragraph (2) and all that follows through paragraph (4) and inserting in lieu thereof the following:

“(B) veterans who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces after May 7, 1975, and were discharged or released from active duty under conditions other than dishonorable.

“(3)(A) Except as provided in subparagraph (C) of this paragraph, a veteran of the Vietnam era may receive an appointment under this section only during the period ending—

“(i) 10 years after the date of the veteran’s last discharge or release from active duty; or

“(ii) December 31, 1993,

whichever is later.

“(B) Except as provided in subparagraph (C) of this paragraph, a veteran described in paragraph (2)(B) of this subsection may receive such an appointment only within the 10-year period following the later of—

“(i) the date of the veteran’s last discharge or release from active duty; or

“(ii) December 18, 1989.

“(C) The limitations of subparagraphs (A) and (B) of this paragraph shall not apply to a veteran who has a service-connected disability rated at 30 percent or more.

“(D) For purposes of clause (i) of subparagraphs (A) and (B) of this paragraph, the last discharge or release from active duty shall not include any discharge or release from active duty of less than ninety days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force described in section 1411(a)(1)(A)(ii)(III) of this title or of an involuntary separation described in section 1418A(a)(1).”.

(c) **CLERICAL AMENDMENTS.**—(1) The title heading for chapter 42 of such title is amended by striking out “**DISABLED AND VIETNAM ERA**”.

(2) The item for such chapter in the table of chapters is amended by striking out “**Disabled and Vietnam Era**”.

(d) **EFFECTIVE DATE.**—The amendments made by this Act shall apply only to appointments made after the date of the enactment of this Act.

38 USC 2014
note.

SEC. 10. TECHNICAL AMENDMENTS.

(a) **TITLE 38 TECHNICAL AMENDMENTS.**—Title 38, United States Code, is amended as follows:

(1) Section 1411(a)(3) is amended—

(A) by redesignating clause (C) as clause (D); and

(B) by striking out clauses (A) and (B) and inserting in lieu thereof the following:

“(A) continues on active duty;

“(B) is discharged from active duty with an honorable discharge;

“(C) is released after service on active duty characterized by the Secretary concerned as honorable service and is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list; or”.

(2) Section 1418(b)(4) is amended—

(A) by striking out the comma after “service” and inserting in lieu thereof “(i)”; and

(B) by inserting “, or (ii) has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree” before the semicolon.

(3) Section 1432(f)(3) is amended by striking out “or (c)” and inserting in lieu thereof “(c), or (d)(1)”.

(4) Section 1433(b) is amended by striking out “section 902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note),” and inserting in lieu thereof “chapter 109 of title 10”.

(5) Section 1685(a)(1) is amended—

(A) by redesignating clauses (1) through (5) as clauses (A) through (E), respectively; and

(B) in clause (E), as so redesignated, by inserting “Coast Guard, or National Guard” after “Department of Defense”.

(6) Sections 1732(c)(3), 1732(e), and 1733(a)(1) are amended by striking out “Secretary of Veterans Affairs” and inserting in lieu thereof “Secretary”.

(7) Section 1774(a)(1)(A) is amended by striking out “chapters 106 and 107” and inserting in lieu thereof “chapter 106”.

(8) Section 2004 is amended—

(A) in subsection (a)(1), by striking out “assignment” each place it appears in the material preceding subparagraph (A) and inserting in lieu thereof “appointment”;

(B) in subsection (a)(1)(C), by striking out “assignment” and inserting in lieu thereof “appointment”;

(C) in subsection (a)(4), by striking out “assigning” and inserting in lieu thereof “appointment”; and

(D) by striking out subsection (d).

(9) Section 3013(a) is amended by inserting “or chapter 106 of title 10” after “of this title”.

(b) TITLE 10 TECHNICAL AMENDMENT.—Section 2136(b) of title 10, United States Code, is amended by striking out “1434(b),” “1663,” and “1780(g),”.

Approved March 22, 1991.

LEGISLATIVE HISTORY—H.R. 180:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 5, considered and passed House.

Mar. 7, considered and passed Senate.

Public Law 102-17
102d Congress

Joint Resolution

Designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day".

Mar. 22, 1991
[H.J. Res. 167]

Whereas on June 14, 1941, the Soviet Union began mass deportation to Siberia of peoples from the Baltic republics of Estonia, Latvia, and Lithuania;

Whereas the United States has for the past 50 years refused to recognize the forced incorporation of the Baltic republics into the Soviet Union;

Whereas the Soviet Union has consistently refused to follow the request of the United States that it begin negotiating a peaceful end to the occupation of the Baltic republics;

Whereas the Baltic republics, which in 1990 reaffirmed independence from the Soviet Union, have not been allowed to pursue policies which would realize the intent of these declarations;

Whereas the armed forces and secret police of the Soviet Union continue to maintain an extensive presence in the Baltic republics;

Whereas, although the Soviet Union has stated its intention to pursue policies of Glasnost and Perestroika, recent events in the Baltic republics indicate that the Soviet Union is not fully committed to those policies;

Whereas the Soviet Union has consistently pursued measures which are contrary to its stated goal of sovereignty for Soviet republics; and

Whereas the Soviet Union has not acted in accord with the Helsinki agreements, which it signed 15 years ago, because it has not allowed the Baltic republics to exercise their respective rights to self-determination: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 14, 1991, and June 14, 1992, are each designated as "Baltic Freedom Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such days with appropriate ceremonies and activities.

Approved March 22, 1991.

LEGISLATIVE HISTORY—H.J. Res. 167 (S.J. Res. 63):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 21, S.J. Res. 63 considered and passed Senate.

Mar. 5, H.J. Res. 167 considered and passed House.

Mar. 7, considered and passed Senate.

Public Law 102-18
102d Congress

An Act

Mar. 23, 1991
[S. 419]

To amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

Resolution Trust
Corporation
Funding Act of
1991.
Banks and
banking.
12 USC 1421
note.

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 "Resolution Trust Corporation Funding Act of 1991".

TITLE I—RTC RESOLUTION PROCESS AND FUNDING

SEC. 101. THRIFT RESOLUTION FUNDING.

Section 21A(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the left margin of such subparagraphs (as so redesignated) 2 ems to the right;

(2) in the heading, by striking "BORROWING" and inserting "FUNDING";

(3) by inserting after such heading the following new paragraph designation and heading:

"(1) BORROWING.—"; and

(4) by adding at the end the following new paragraph:

"(2) INTERIM FUNDING.—The Secretary of the Treasury shall provide the sum of \$30,000,000,000 to the Corporation to carry out the purposes of this section."

SEC. 102. REPORTS.

(a) **IN GENERAL.**—Section 21A(k) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "The" and inserting "Notwithstanding section 9105 of title 31, United States Code, the"; and

(B) by striking everything after "standards" the first place it appears and inserting ". The audited statements shall be transmitted to the Congress by the Oversight Board not later than 180 days after the end of the Corporation's fiscal year to which those statements apply.";

(2) in paragraph (1)(B), by striking ", or by an independent certified public accountant retained to audit the Corporation's financial statement,"; and

(3) by adding at the end the following:

"(8) OPERATING PLANS.—

“(A) IN GENERAL.—Before the beginning of each calendar quarter, the Oversight Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a detailed financial operating plan covering the remaining quarters of the Corporation’s fiscal year in which that quarter occurs.

“(B) CONTENTS.—At a minimum, a detailed financial operating plan shall include—

“(i) estimates of the aggregate assets of institutions that are projected to be resolved in each quarter,

“(ii) the estimated aggregate cost of resolutions in each quarter,

“(iii) the estimated aggregate asset sales and principal collections in each quarter, and

“(iv) the Corporation’s summary pro forma financial statement at the end of each quarter.

“(9) REPORTS ON SEVERELY TROUBLED INSTITUTIONS.—The Director of the Office of Thrift Supervision shall deliver on a quarterly basis to the Oversight Board a list of savings associations for which the Director has determined grounds exist, or are likely to exist in the current fiscal year of the Corporation and in the next following fiscal year of the Corporation, for the appointment of a conservator or receiver under the Home Owners’ Loan Act. The Oversight Board shall report the aggregate number and assets of such savings associations to Congress within 60 days after the end of each calendar quarter.”.

(b) FIRST REQUIRED PLAN.—The first plan described in section 21A(k)(8) of the Federal Home Loan Bank Act, as amended by subsection (a), is due not later than 30 days after the date of enactment of this Act.

12 USC 1441a
note.

(c) TIMELINESS OF REPORTS.—

12 USC 1441a
note.

(1) IN GENERAL.—At any time when an agency is delinquent in providing information to Congress or any of its committees as required by paragraph (1), (4), (5), (6), (8), or (9) of section 21A(k) of the Federal Home Loan Bank Act or by subsection (b) of this section, the President of the Oversight Board, and the head of any agency responsible for such delinquency shall, within 15 days of such delinquency, in testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives—

(A) explain the causes of such delinquency; and

(B) describe what steps are being taken to correct it and prevent its recurrence.

Testimony shall not be required pursuant to the preceding sentence before either Committee if the Chairman and Ranking Member of such Committee agree that such testimony is not necessary. For purposes of this paragraph, the term “head of an agency” means the Chairman of the Resolution Trust Corporation with respect to reports to be filed by such Corporation, the Director of the Office of Thrift Supervision with respect to reports to be filed by such Office, and the Comptroller General with respect to audits to be conducted by the General Accounting Office.

(2) TRANSITION RULE.—Any information described in paragraph (1) of this subsection that is delinquent on the date of

enactment of this Act shall be provided to the appropriate committees of Congress not later than 30 days following enactment of this Act. Failure to provide such information as required by this paragraph shall be considered as a delinquency under the provisions of paragraph (1).

SEC. 103. STATUS OF EMPLOYEES.

(a) **RESOLUTION TRUST CORPORATION.**—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

“(q) **STATUS OF EMPLOYEES.**—

“(1) **LIABILITY.**—A director, member, officer, or employee of the Corporation or of the Oversight Board has no liability under the Securities Act of 1933 with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person’s employment in connection with any transaction involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. This subsection shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other acts or omissions outside the scope of such person’s employment.

“(2) **DEFINITION.**—For purposes of this subsection, the term ‘employee of the Corporation or of the Oversight Board’ includes—

“(A) any employee of the Office of the Comptroller of the Currency or of the Office of Thrift Supervision who serves as a deputy or assistant to a member of the Board of Directors of the Corporation; and

“(B) any officer or employee of the Federal Deposit Insurance Corporation who performs services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager.

“(3) **EFFECT ON OTHER LAW.**—This subsection does not affect—

“(A) any other immunities and protections that may be available under applicable law with respect to such transactions, or

“(B) any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a person described in paragraph (1) participating in such transactions.

This subsection shall not be construed to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.”

(b) **FEDERAL DEPOSIT INSURANCE CORPORATION.**—Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended by adding at the end the following new subsection:

“(f) **STATUS OF EMPLOYEES.**—

“(1) **IN GENERAL.**—A director, member, officer, or employee of the Corporation has no liability under the Securities Act of 1933 with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person’s employment in connection with any transaction involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. This

subsection shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other acts or omissions outside the scope of such person's employment.

“(2) DEFINITION.—For purposes of this subsection, the term ‘employee of the Corporation’ includes any employee of the Office of the Comptroller of the Currency or of the Office of Thrift Supervision who serves as a deputy or assistant to a member of the Board of Directors of the Corporation in connection with activities of the Corporation.

“(3) EFFECT ON OTHER LAW.—This subsection does not affect—

“(A) any other immunities and protections that may be available to such person under applicable law with respect to such transactions, or

“(B) any other right or remedy against the Corporation, against the United States under applicable law, or against any person other than a person described in paragraph (1) participating in such transactions.

This subsection shall not be construed to limit or alter in any way the immunities that are available under applicable law for Federal officials and employees not described in this subsection.”

SEC. 104. INCIDENTAL POWERS.

(a) RESOLUTION TRUST CORPORATION.—Section 21A(b)(10)(N) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(10)(N)) is amended by adding at the end the following: “The Corporation may indemnify the directors, officers and employees of the Corporation on such terms as the Corporation deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. For purposes of this subparagraph, the terms ‘officers’ and ‘employees’ include officers and employees of the Federal Deposit Insurance Corporation or of other agencies who perform services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager. The indemnification authorized by this subparagraph shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections.”

(b) OVERSIGHT BOARD.—Section 21A(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(5)) is amended—

(1) by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively; and

(2) by inserting after subparagraph (H) the following:

“(I) indemnify, from funds made available to it by the Corporation, the members, officers, and employees of the Oversight Board on such terms as the Oversight Board deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any

interests in any assets or any obligations backed by any assets) by the Corporation, and the indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections;”.

SEC. 105. CLARIFICATION OF REVIEW OF PRIOR CASES.

Section 21A(b)(11)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(11)(B)) is amended—

(1) by striking “The Corporation shall exercise” and inserting the following:

“(C) PROVISIONS APPLICABLE TO REVIEW OF PRIOR CASES.—
“(i) IN GENERAL.—The Corporation shall exercise”;
and

(2) by adding at the end of subparagraph (C), as so designated by paragraph (1) of this section, the following:

“(ii) ADDITIONAL PROVISIONS.—The Corporation, in modifying, renegotiating, or restructuring the insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation between January 1, 1988, and the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall carry out its responsibilities under section 519(a) of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (104 Stat. 1386) and shall, consistent with achieving the greatest overall financial savings to the Federal Government, pursue all legal means by which the Corporation can reduce both the direct outlays and the tax benefits associated with such cases, including, but not limited to, restructuring to eliminate tax-free interest payments and renegotiating to capture a larger portion of the tax benefits for the Corporation.”.

TITLE II—RTC DISPOSITION OF AFFORDABLE HOUSING

SEC. 201. AMENDMENTS RELATING TO SCOPE OF PROGRAM.

(a) **DEFINITION OF CORPORATION.**—Section 21A(c)(9)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(9)(C)) is amended by striking the period at the end and inserting “, except that for purposes of subsection (c)(2) only, the term means the Resolution Trust Corporation acting in any capacity.”.

(b) **SALES TO INSURED DEPOSITORY INSTITUTIONS EXCLUDED FROM PROGRAM.**—Section 21A(c)(10) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(10)) is amended to read as follows:

“(10) **EXEMPTION FOR CERTAIN TRANSACTIONS WITH INSURED DEPOSITORY INSTITUTIONS.**—The provisions of this subsection shall not apply with respect to any eligible residential property after the date the Corporation enters into a contract to sell such property to an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act), including any

sale in connection with a transfer of all or substantially all of the assets of a closed savings association (including such property) to an insured depository institution.”.

SEC. 202. AMENDMENTS RELATING TO SALE PROCEDURES.

Section 21A(c)(6)(A)(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(6)(A)(i)) is amended to read as follows:

“(i) **SALE PRICE.**—The Corporation may sell eligible single family property to qualifying households, non-profit organizations, and public agencies without regard to any minimum purchase price.”.

SEC. 203. SCOPE OF APPLICATION.

12 USC 1441a
note.

The amendments made by sections 201 and 202 of this Act to section 21A of the Federal Home Loan Bank Act shall be effective only during the period beginning on the date of the enactment of this Act and ending at the end of fiscal year 1991, and section 21A shall apply after the end of such period as if such amendments had not been made.

TITLE III—RTC MANAGEMENT REFORMS

SEC. 301. MANAGEMENT ENHANCEMENT GOALS.

Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

“(r) **MANAGEMENT ENHANCEMENT GOALS.**—

“(1) **ACTION TO ACHIEVE SPECIFIC GOALS.**—The Corporation, upon the enactment of this subsection, shall take action to assure achievement of the management goals specified in this paragraph, as follows:

“(A) **MANAGING CONSERVATORSHIPS.**—The Corporation shall standardize procedures with respect to its (i) auditing of conservatorships, (ii) ensuring and monitoring of compliance with Corporation policies and procedures by conservatorship managing agents, and (iii) ensuring and monitoring of conservatorship managing agent performance. These procedures shall be developed and implemented not later than September 30, 1991.

“(B) **PACE OF RESOLUTIONS.**—The Corporation shall take all reasonable and necessary steps to reduce the length of time institutions remain in conservatorship, with the goal that no institution shall be in conservatorship for more than 9 months.

“(C) **INFORMATION RESOURCES MANAGEMENT PROGRAM.**—The Corporation shall develop and incorporate within its strategic plan for information resources management, (i) a translation of program goals into the communication and computer hardware and software, and staff needed to accomplish such goals, (ii) a systems architecture to ensure that all systems will work together, and (iii) an identification of Corporation information and systems needs at all operational levels.

“(D) **SECURITIES PORTFOLIO MANAGEMENT SYSTEM.**—The Corporation shall develop within its information architecture framework, a centralized system for the management

of its portfolio of securities. This system shall be developed and implemented not later than September 30, 1991.

“(E) TRACKING REO ASSETS.—The Corporation shall develop, within its information architecture, an effective system to track and inventory real-estate-owned assets. This system shall be developed and implemented not later than September 30, 1991.

“(F) ASSET VALUATION.—The Corporation shall develop a process for the quarterly valuation or updating of valuations of the assets it holds in its capacity as receiver (or as a result of such capacity). Such process shall incorporate, to the extent practical, Corporation disposition experience. In addition, the necessary information systems shall be developed to track and manage these valuations.

“(G) STANDARDIZATION OF DUE DILIGENCE AND MARKET FORMAT.—The Corporation shall develop a program for performing due diligence on one- to four-family mortgages and for marketing such loans on a pooled basis.

“(H) CONTRACTING.—The Corporation, in order to identify the need for any changes in its contracting process which would enhance the independence, integrity, consistency and effectiveness of that process, shall consult on a regular basis with other agencies and organizations that have large scale contracting and procurement systems, and shall review on a regular basis its organizational structure and relationships. The Corporation shall develop and have in widespread use the following:

“(i) A manual setting forth comprehensive policies and procedures.

“(ii) A revised and expanded directive that clearly and definitively describes the roles and responsibilities of all those involved in the contracting process.

“(iii) A revised and expanded directive that sets forth in detail the standard procedures to be followed in evaluating contractor proposals.

“(iv) A set of standardized solicitation and contract documents for use by all Corporation officers.

“(v) A series of standardized contracting training modules for use by Corporation personnel and private contractors.

Reports.

“(2) The Corporation shall, not later than September 30, 1991, file with the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, a report on the progress being made toward full compliance by the agency with this subsection, as well as a timetable for completing those items not yet completed.”

TITLE IV—MINORITY CONTRACTING REPORT

SEC. 401. MINORITY AND WOMEN BUSINESS POLICY, OUTREACH AND EQUAL OPPORTUNITY REPORTING REQUIREMENT.

Section 21A(k)(5)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(5)(B)) is amended by adding at the end the following new clause:

“(xiii) A complete description of all actions taken by the Corporation pursuant to subsections (a), (b), and (c) of section 1216 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 with respect to the employment of and contracting with minorities, women, and businesses owned or controlled by minorities or women and any other activity of the Corporation pursuant to the outreach program of the Corporation for minorities and women. Such description shall specify the steps taken by the Corporation, in its corporate capacity and its capacity as conservator or receiver, to implement the minority and women outreach programs required by section 1216(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and shall set forth information and data showing—

“(I) the extent to which and means by which contract solicitations have been directed to minorities, women, and businesses owned or controlled by minorities or women by the Corporation and by the Federal Deposit Insurance Corporation on behalf of the Corporation;

“(II) the extent to which prime contracts and subcontracts have been awarded to minorities, women, and businesses owned or controlled by minorities or women, including data with respect to the number of such contracts, the dollar amounts thereof, and the percentage of Corporation contracting activity represented thereby (including contracting activity by the Federal Deposit Insurance Corporation on behalf of the Corporation);

“(III) contracting and outreach activity with respect to joint ventures and other business arrangements in which minorities, women, or businesses owned or controlled by minorities or women have a participation or interest; and

“(IV) the extent to which the Corporation’s minority and women contracting outreach programs have been successful in maximizing

opportunities through the outreach policies established by the Corporation for participation of minorities, women, and businesses owned or controlled by minorities or women in the Corporation's contracting activities.".

Approved March 23, 1991.

LEGISLATIVE HISTORY—S. 419 (H.R. 1315):

HOUSE REPORTS: No. 102-27 (Comm. of Conference).

SENATE REPORTS: No. 102-13 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 26, 27, Mar. 5-7, considered and passed Senate.

Mar. 12, H.R. 1315 considered and rejected in House.

Mar. 13, S. 419 considered and passed House, amended.

Mar. 19, Senate agreed to conference report.

Mar. 21, House agreed to conference report.

Public Law 102-19
102d Congress

Joint Resolution

Designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

Mar. 25, 1991
[S.J. Res. 59]

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people; Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy; Whereas March 25, 1991, marks the one hundred and seventieth anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; Whereas 1991 marks the 50th anniversary of the historic Battle of Crete of World War II—one of many wars which have found Greece and the United States allied in the defense of democracy; Whereas these and other ideals have forged a close bond between our two nations and their peoples; and Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1991, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy," and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

Approved March 25, 1991.

LEGISLATIVE HISTORY—S.J. Res. 59:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 21, considered and passed Senate.

Mar. 20, considered and passed House, amended.

Mar. 21, Senate concurred in House amendment.

Public Law 102-20
102d Congress

An Act

Mar. 27, 1991
[H.R. 1176]

Foreign
Relations
Persian Gulf
Conflict
Emergency
Supplemental
Authorization
Act, Fiscal Year
1991.

To provide authorizations for supplemental appropriations for fiscal year 1991 for the Department of State and the Agency for International Development for certain emergency costs associated with the Persian Gulf conflict, and for other purposes.

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 "Foreign Relations Persian Gulf Conflict Emergency Supplemental Authorization Act, Fiscal Year 1991".

SEC. 2. SALARIES AND EXPENSES.

In addition to such amounts as are authorized to be appropriated in section 101(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, there are authorized to be appropriated \$10,000,000 as emergency supplemental appropriations for fiscal year 1991 for "Salaries and Expenses" for the Department of State. Funds authorized to be appropriated under this section are designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 3. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

In addition to such amounts as are authorized to be appropriated in section 101(a)(4) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, there are authorized to be appropriated \$9,300,000 as emergency supplemental appropriations for fiscal year 1991 for "Emergencies in the Diplomatic and Consular Service" for the Department of State to be available only for costs associated with the evacuation of United States Government employees (including contractor employees) and their dependents and other United States citizens from diplomatic posts. Funds authorized to be appropriated under this section are designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 4. SPECIAL PURPOSE PASSENGER MOTOR VEHICLES.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended—

- (1) in subsection (j) by striking "and";
- (2) in subsection (k) by striking the period and inserting "; and"; and
- (3) by adding after subsection (k) the following new subsection:

"(1) purchase special purpose passenger motor vehicles without regard to any price limitation otherwise established by law."

SEC. 5. AGENCY FOR INTERNATIONAL DEVELOPMENT EMERGENCY EVACUATION EXPENSES.

There are authorized to be appropriated \$6,000,000 as emergency supplemental appropriations for fiscal year 1991 for the operating expenses of the Agency for International Development. Such funds shall be available only for the costs of evacuating United States Government employees and personal service contractors, and their dependents, and for subsistence allowance payments. Funds authorized to be appropriated under this section are designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 6. BURDENSARING.

The Congress—

(1) takes note of the commendable efforts on the part of the President and the Secretary of State to encourage our allies to assist financially in the effort to liberate Kuwait; and

(2) calls on the President and the Secretary of State to take such actions as are necessary to ensure that the burdensharing promises made to the American people by our allies are fulfilled.

Approved March 27, 1991.

LEGISLATIVE HISTORY—H.R. 1176 (S. 594):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 5, considered and passed House.

Mar. 13, considered and passed Senate.

Public Law 102-21
102d Congress

An Act

Mar. 28, 1991
[H.R. 1284]

Emergency
Supplemental
Assistance for
Israel Act of
1991.

To authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict.

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 "Emergency Supplemental Assistance for Israel Act of 1991".

SEC. 2. EMERGENCY ASSISTANCE FOR ISRAEL.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated as emergency supplemental appropriations for fiscal year 1991 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) \$650,000,000 for additional costs resulting from the conflict in the Persian Gulf region.

(b) **CASH GRANT FOR ISRAEL.**—Funds appropriated pursuant to the authorization contained in subsection (a) shall be available only for assistance for Israel. Such assistance shall be provided on a grant basis as a cash transfer. Funds provided to Israel under this section may be used by Israel for incremental costs associated with the conflict in the Persian Gulf region without regard to section 531(e) of the Foreign Assistance Act of 1961.

(c) **DESIGNATION AS EMERGENCY FOR BUDGETARY PURPOSES.**—Funds authorized to be appropriated under this section are designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Approved March 28, 1991.

LEGISLATIVE HISTORY—H.R. 1284 (S. 595):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 6, considered and passed House.

Mar. 13, considered and passed Senate.

Public Law 102-22
102d Congress

An Act

To amend chapter 54 of title 5, United States Code, to extend and improve the Performance Management and Recognition System, and for other purposes.

Mar. 28, 1991
[H.R. 1316]

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 "Performance Management and Recognition System Amendments of 1991".

Performance
Management
and Recognition
System
Amendments of
1991.
Government
employees.
5 USC 5401 note.

SEC. 2. AMENDMENTS.

(a) STATEMENT OF WORK OBJECTIVES.—Section 4302a of title 5, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding subsections (a)(2) and (b)(2)-(4), an agency performance appraisal system may utilize a written statement of the work objectives of the employee's position to establish performance requirements related to the position and to evaluate job performance against such requirements. Such statement of work objectives shall be jointly developed by the supervising official and the employee, and may be used in lieu of, or in addition to, critical elements and performance standards."

(b) PERFORMANCE AWARDS.—Section 5406 of title 5, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) Any employee who is covered by this chapter, and whose performance for an appraisal period is rated under section 4302a (or an equivalent rating system) at the fully successful level or higher may be paid a performance award for such period.

"(b) The amount of a performance award under this section shall be determined by the appropriate agency head, except that any such award shall not be more than 10 percent of the employee's annual rate of basic pay, unless the agency head determines that a higher amount is warranted by unusually outstanding performance, in which case an award of not to exceed 20 percent of the employee's annual rate of basic pay may be paid."

(2) in subsection (c)(1) by striking "Subject to subsections (a)(2) and (b)(2) of this section, the" and inserting "The";

(3) by amending subsection (c)(2)(A)(i) to read as follows:

"(2)(A)(i) The applicable minimum percentage for each fiscal year during which this chapter is in effect shall be 1.15 percent."; and

(4) by striking subsection (c)(3).

(c) PROGRAM EXTENSION.—Section 5410 of title 5, United States Code, is amended by striking "March 31, 1991" and inserting "September 30, 1993".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of April 1, 1991.

5 USC 4302a
note.

5 USC 5408 note. SEC. 3. STUDY AND REPORT.

(a) **ESTABLISHMENT OF REVIEW COMMITTEE.**—The Office of Personnel Management shall establish a Performance Management and Recognition System Review Committee to review the Performance Management and Recognition System (established under chapter 54 of title 5, United States Code) and advise the Office on any improvements needed in that system.

(b) **MEMBERSHIP.**—(1) The Committee shall consist of such members as the Office considers appropriate, including representatives of organizations that include in their membership employees who are covered under the Performance Management and Recognition System, and representatives of agencies employing such employees.

(2) The Chairman of the Committee shall be appointed by the Director of the Office, and may be paid (except as provided by the first sentence of paragraph (3)) at a rate determined by the Director, not to exceed the maximum rate of basic pay for the Senior Executive Service.

(3) The members of the Committee who are otherwise employees of the Federal Government (including the Chairman, if applicable) shall not receive any additional pay for their service on the Committee. Members of the Committee who are not otherwise employees of the Government (other than the Chairman, if applicable) shall not be paid for their service on the Committee and shall not be considered employees of the Federal Government for any purpose by reason of their service on the Committee.

(c) **STAFF AND ADMINISTRATIVE SUPPORT.**—The Office may provide staff and administrative support for the Committee.

(d) **COORDINATION.**—In carrying out its responsibilities under this section, the Committee shall coordinate its efforts with those of the Pay-for-Performance Labor-Management Committee (established under section 111 of the Federal Employees Pay Comparability Act of 1990) to the extent those committees consider appropriate.

(e) **REPORT.**—The Committee shall submit a report with its recommendations to the Director of the Office on November 5, 1991, or such other date as the Director may determine.

Approved March 28, 1991.

LEGISLATIVE HISTORY—H.R. 1316:

HOUSE REPORTS: No. 102-20 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 19, considered and passed House and Senate.

Public Law 102-23
102d Congress

Joint Resolution

To designate April 9, 1991 and April 9, 1992, as "National Former Prisoner of War Recognition Day".

Mar. 28, 1991
[S.J. Res. 53]

Whereas members of the Armed Forces of the United States have been recently captured by the armed forces of Iraq and have been held as prisoners of war;

Whereas the prisoners of war held by Iraq have endured incredible hardships and the events surrounding the holding of such prisoners remind us of the thousands of members of the Armed Forces of the United States who served in past armed conflicts and were held as prisoners of war;

Whereas many prisoners of war have been subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war;

Whereas many former prisoners of war died, or were disabled, as a result of such treatment;

Whereas, in 1985, the United States Congress directed the Department of Defense to issue a medal to former prisoners of war recognizing and commemorating their great sacrifices in service to our Nation; and

Whereas the great sacrifices of prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1991 and April 9, 1992, are designated as "National Former Prisoner of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.

Approved March 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 53:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 21, considered and passed Senate.

Mar. 20, considered and passed House.

Public Law 102-24
102d Congress

Joint Resolution

Mar. 28, 1991
[S.J. Res. 83]

Entitled "National Day of Prayer and Thanksgiving".

Whereas the United States responded decisively to the crisis in the Middle East created by the invasion of Iraqi troops into Kuwait and the unlawful annexation of that sovereign state by Iraq; Whereas a worldwide coalition was forged to preserve international order and stop Iraqi aggression;

Whereas President Bush pursued his strategy against Iraq with foresight and purpose from the moment Kuwait was invaded; Whereas our military leaders planned their campaign on air, land and sea, with innovation and precision;

Whereas American troops have served bravely in the Middle East at great personal risk in the defense of freedom;

Whereas we have seen a stunning triumph of American leadership, military strength and technology;

Whereas the families of American military personnel stationed in the Middle East or held captive by the Iraqi government have faced great anxiety;

Whereas the families and friends of those who have fallen bear the greatest, most tragic loss of all;

Whereas Americans have traditionally recognized the importance and strength derived from prayer at such a difficult time;

Whereas our Nation has always trusted in a Providence which vindicates the oppressed and defends the right: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States declare a national day of prayer and thanksgiving to express our gratitude for the heroic efforts of our troops and to offer our thanks to God, the ruler of men and nations, the source of justice, and the author of true peace.

Approved March 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 83:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 28, considered and passed Senate.
Mar. 20, considered and passed House.

Public Law 102-25
102d Congress

An Act

Entitled the "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991".

Apr. 6, 1991
[S. 725]

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 "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991".

SEC. 2. TABLE OF CONTENTS

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Construction with Public Law 101-510.

TITLE I—AUTHORIZATION OF FISCAL YEAR 1991 SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT STORM

- Sec. 101. Funds in the Defense Cooperation Account.
- Sec. 102. Persian Gulf Conflict Working Capital Account.
- Sec. 103. Additional transfer authority.
- Sec. 104. Administration of transfers.
- Sec. 105. Notice to Congress of transfers.
- Sec. 106. Monthly reports on transfers.

TITLE II—WAIVER OF PERSONNEL CEILINGS AFFECTED BY OPERATION DESERT STORM

- Sec. 201. Authority to waive end strength and grade strength laws.
- Sec. 202. Certification.
- Sec. 203. Authorization from Defense Cooperation Account.
- Sec. 204. Conforming repeal.
- Sec. 205. Relationship to other laws.

TITLE III—BENEFITS FOR PERSONS SERVING IN ARMED FORCES DURING THE PERSIAN GULF CONFLICT

Part A—Military Compensation and Benefits

- Sec. 301. Temporary increase in the rate of special pay for duty subject to hostile fire or imminent danger.
- Sec. 302. Temporary increase in family separation allowance.
- Sec. 303. Determination of variable housing allowance for Reserves.
- Sec. 304. Medical, dental, and nonphysician special pays for reserve, recalled, or retained health care officers.
- Sec. 305. Waiver of board certification requirements.
- Sec. 306. Foreign language proficiency pay.
- Sec. 307. Temporary increase in amount of death gratuity.
- Sec. 308. Death gratuity for participants who died before the date of enactment.
- Sec. 309. Treatment of accrued leave of members who die while on active duty.
- Sec. 310. Removal of limitation on the accrual of savings of members in a missing status.
- Sec. 310A. Basic allowance for quarters for certain members of reserve components without dependents.

Part B—Military Personnel Policies and Programs

- Sec. 311. Grade of recalled retired members.

Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991. Armed Forces. 10 USC 101 note.

- Sec. 312. Temporary CHAMPUS provisions regarding deductibles and copayment requirements.
- Sec. 313. Transitional health care.
- Sec. 314. Extension of certain Persian Gulf conflict provisions.
- Sec. 315. Study of Department of Defense policies relating to deployment of military servicemembers with dependents or servicemembers from families with more than one servicemember.
- Sec. 316. Adjustment in the effective date of changes in mental health benefits as a result of Operation Desert Storm.
- Sec. 317. Sense of the House of Representatives on the separation of certain members from their infant children.

Part C—Veterans Benefits and Programs

- Sec. 331. Short title.
- Sec. 332. Inclusion of Persian Gulf War within definition of “period of war” for purposes of veterans benefits.
- Sec. 333. Pension eligibility for Persian Gulf War veterans and surviving spouses of Persian Gulf War veterans.
- Sec. 334. Health benefits.
- Sec. 335. Reports by Secretary of Defense and Secretary of Veterans Affairs concerning services to treat post-traumatic stress disorder.
- Sec. 336. Life insurance benefits.
- Sec. 337. Increase in the amount of Montgomery GI bill educational assistance payments.
- Sec. 338. Membership on Educational Benefits Advisory Committee for Persian Gulf War veteran.
- Sec. 339. Improved reemployment rights for disabled veterans.
- Sec. 340. Requalification of former employees.
- Sec. 341. Eligibility for housing benefits.

Part D—Federal Employee Benefits

- Sec. 361. Leave bank for Federal civilian employees in reserves who were activated during Persian Gulf War.

Part E—Higher Education Assistance

- Sec. 371. Short title.
- Sec. 372. Operation Desert Storm waiver authority.
- Sec. 373. Tuition refunds or credits.
- Sec. 374. Eligibility of student borrowers.
- Sec. 375. Termination of sections 372 and 373.
- Sec. 376. Coordination with other law.

Part F—Programs for Farmers and Ranchers

- Sec. 381. Definitions.
- Sec. 382. Base protection.
- Sec. 383. Waiver of minimum planting requirement.
- Sec. 384. Conservation requirements.
- Sec. 385. Farm credit provisions.
- Sec. 386. Program administration provisions.
- Sec. 387. Administration.
- Sec. 388. Outreach projects.

Part G—Budget Treatment

- Sec. 391. Authorization of appropriations from Defense Cooperation Account.
- Sec. 392. Benefits contingent upon appropriations from Defense Cooperation Account.
- Sec. 393. Definition; construction of sections 391 and 392.

TITLE IV—REPORTS ON FOREIGN CONTRIBUTIONS AND THE COSTS OF OPERATION DESERT STORM

- Sec. 401. Reports on United States costs in the Persian Gulf conflict and foreign contributions to offset such costs.
- Sec. 402. Reports on foreign contributions in response to the Persian Gulf crisis.
- Sec. 403. Form of reports.

TITLE V—REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT

- Sec. 501. Department of Defense report on the conduct of the Persian Gulf conflict.

TITLE VI—GENERAL PROVISIONS

- Sec. 601. Child care assistance.
- Sec. 602. Family education and support services.
- Sec. 603. Land conveyance, Fort A.P. Hill Military Reservation, Virginia.
- Sec. 604. Grassroots efforts to support our troops.
- Sec. 605. Extension of time for filing for persons serving in combat zone.
- Sec. 606. Sense of Congress concerning businesses seeking to participate in the rebuilding of Kuwait.
- Sec. 607. Sense of Congress regarding use of United States funds for rebuilding Iraq.
- Sec. 608. Withholding of payments to indirect-hire civilian personnel of nonpaying pledging nations.
- Sec. 609. Relief from requirements for reductions in defense acquisition workforce during fiscal year 1991.

TITLE VII—MISCELLANEOUS TECHNICAL AMENDMENTS

- Sec. 701. Amendments to title 10, United States Code.
- Sec. 702. Amendments to title 37, United States Code.
- Sec. 703. Amendments to title 32, United States Code.
- Sec. 704. Amendments to Public Law 101-510.
- Sec. 705. Other technical amendments.

TITLE VIII—AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS FOR FISCAL YEAR 1991

- Sec. 801. Authorization of supplemental appropriations for operating expenses.
- Sec. 802. Authorization of supplemental appropriations for environmental restoration and waste management.
- Sec. 803. Applicability of recurring general provisions.
- Sec. 804. Relocation of Rocky Flats Plant operations.

SEC. 3. DEFINITIONS

For the purposes of this Act:

(1) The term "Operation Desert Storm" means operations of United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq (including operations known as Operation Desert Shield and Operation Desert Storm).

(2) The term "incremental costs associated with Operation Desert Storm" means costs referred to in section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

(3) The term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

(4) The term "congressional defense committees" has the meaning given that term in section 3 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1498).

SEC. 4. CONSTRUCTION WITH PUBLIC LAW 101-510.

Any authorization of appropriations, or authorization of the transfer of authorizations of appropriations, made by this Act is in addition to the authorization of appropriations, or the authority to make transfers, provided in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

10 USC 101
note.

TITLE I—AUTHORIZATION OF FISCAL YEAR 1991 SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT STORM**SEC. 101. FUNDS IN THE DEFENSE COOPERATION ACCOUNT**

(a) **AUTHORIZATION OF APPROPRIATION.**—During fiscal year 1991, there is authorized to be appropriated to the Department of Defense current and future balances in the Defense Cooperation Account established under section 2608 of title 10, United States Code.

(b) **USE OF FUNDS.**—Amounts appropriated pursuant to subsection (a) shall be available only for—

(1) transfer by the Secretary of Defense to fiscal year 1991 appropriation accounts of the Department of Defense or Coast Guard for incremental costs associated with Operation Desert Storm; and

(2) replenishment of the working capital account created under section 102.

SEC. 102. PERSIAN GULF CONFLICT WORKING CAPITAL ACCOUNT

(a) **ESTABLISHMENT OF ACCOUNT.**—There is established in the Treasury of the United States a working capital account for the Department of Defense to be known as the “Persian Gulf Conflict Working Capital Account”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—During fiscal year 1991, there is authorized to be appropriated to the Persian Gulf Conflict Working Capital Account the sum of \$15,000,000,000.

(c) **USE OF FUNDS.**—Funds appropriated pursuant to subsection (b) shall be available only for transfer by the Secretary of Defense to fiscal year 1991 appropriation accounts of the Department of Defense or Coast Guard for the incremental costs associated with Operation Desert Storm. Such funds may be used for that purpose only to the extent that funds are not available in the Defense Cooperation Account for transfer for such incremental costs.

(d) **REPLENISHMENT OF ACCOUNT.**—Amounts transferred from the Persian Gulf Conflict Working Capital Account shall be replenished from funds available in the Defense Cooperation Account to the extent that funds are available in the Defense Cooperation Account. Whenever the balance in the working capital account is less than the amount appropriated to that account pursuant to this section, the Secretary shall transfer from the Defense Cooperation Account such funds as become available to the account to replenish the working capital account before making any transfer of such funds under sections 101 and 102.

(e) **REVERSION OF BALANCE UPON TERMINATION OF ACCOUNT.**—Any balance in the Persian Gulf Conflict Working Capital Account at the time of the termination of the account shall revert to the general fund of the Treasury.

SEC. 103. ADDITIONAL TRANSFER AUTHORITY

The amount of the transfer authority provided in section 1401 of Public Law 101-510 is hereby increased by the amount of such transfers as the Secretary of Defense makes pursuant to law (other than Public Law 101-511) to make adjustments among amounts provided in titles I and II of Public Law 101-511 due to incremental costs associated with Operation Desert Storm.

SEC. 104. ADMINISTRATION OF TRANSFERS

A transfer made under the authority of section 101 or 102 increases by the amount of the transfer the amount authorized for the account to which the transfer is made.

SEC. 105. NOTICE TO CONGRESS OF TRANSFERS

(a) **NOTICE-AND-WAIT.**—A transfer may not be made under section 101 or 102 until the seventh day after the congressional defense committees receive a report with respect to that transfer under subsection (b).

(b) **CONTENT OF REPORT.**—A report under subsection (a) shall include the following:

- (1) A certification by the Secretary of Defense that the amount or amounts proposed to be transferred will be used only for incremental costs associated with Operation Desert Storm.
- (2) A statement of each account to which the transfer is proposed to be made and the amount proposed to be transferred to such account.
- (3) A description of the programs, projects, and activities for which funds proposed to be transferred are proposed to be used.
- (4) In the case of a transfer from the working capital account established under section 102, an explanation of the reasons why funds are not available in the Defense Cooperation Account for such transfer.

SEC. 106. MONTHLY REPORTS ON TRANSFERS

Not later than seven days after the end of each month in fiscal years 1991 and 1992, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States a detailed report on the cumulative total amount of the transfers made under the authority of this title through the end of that month.

TITLE II—WAIVER OF PERSONNEL CEILINGS AFFECTED BY OPERATION DESERT STORM

SEC. 201. AUTHORITY TO WAIVE END STRENGTH AND GRADE STRENGTH LAWS

(a) **FISCAL YEAR 1991 END STRENGTH.**—The Secretary of a military department may waive any end strength prescribed in section 401(a), 411, or 412(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1485) that applies to any of the armed forces under the jurisdiction of that Secretary.

10 USC 115
note, 261 note.

(b) **GRADE STRENGTH LIMITATIONS.**—The Secretary of a military department may suspend, for fiscal year 1991, the operation of any provision of section 517, 523, 524, 525, or 526 of title 10, United States Code, with respect to that military department.

10 USC 527
note.

SEC. 202. CERTIFICATION

The Secretary of a military department may exercise the authority provided in subsection (a) or (b) of section 201 only after the Secretary submits to the congressional defense committees a certification in writing that the exercise of that authority is necessary because of personnel actions associated with Operation Desert Storm.

10 USC 115
note, 261 note,
527 note.

SEC. 203. AUTHORIZATION FROM DEFENSE COOPERATION ACCOUNT

(a) **AUTHORIZATION.**—In addition to authorizations under section 101, there is hereby authorized to be appropriated from the Defense Cooperation Account such sums as may be necessary for increases in military personnel costs for fiscal years 1991 through 1995 resulting from the exercise of the authorities provided in section 201. Such increases in costs are incremental costs associated with Operation Desert Storm.

(b) **USE OF FUNDS.**—Funds appropriated to the Persian Gulf Conflict Working Capital Account pursuant to section 102(b) may be used for the purposes described in subsection (a) to the extent provided in section 102(c).

(c) **REPORTING.**—Funds obligated for the purposes described in subsection (a) shall be included in the reports required by section 106.

SEC. 204. CONFORMING REPEAL

Section 1117 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1637) is repealed.

SEC. 205. RELATIONSHIP TO OTHER LAWS

(a) **RELATIONSHIP TO OTHER WAIVER AUTHORITIES.**—The authority provided in section 201(a) is in addition to the waiver authority provided in sections 401(c) and 411(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) and the waiver authority provided in section 115(c)(1) of title 10, United States Code.

(b) **RELATIONSHIP TO OTHER SUSPENSION AUTHORITY.**—The authority provided in section 201(b) is in addition to the authority provided in section 527 of title 10, United States Code.

TITLE III—BENEFITS FOR PERSONS SERVING IN THE ARMED FORCES DURING THE PERSIAN GULF CONFLICT**PART A—MILITARY COMPENSATION AND BENEFITS****SEC. 301. TEMPORARY INCREASE IN THE RATE OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER**

(a) **INCREASED RATE.**—In lieu of the rate of special pay specified in section 310(a) of title 37, United States Code, the rate of special pay payable under that section shall be \$150 for each month during the period described in subsection (b).

(b) **PERIOD OF APPLICABILITY.**—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

SEC. 302. TEMPORARY INCREASE IN FAMILY SEPARATION ALLOWANCE

(a) **INCREASED RATE.**—In lieu of the family separation allowance specified in section 427(b)(1) of title 37, United States Code, the family separation allowance payable under that section shall be \$75 for each month during the period described in subsection (b).

(b) **PERIOD OF APPLICABILITY.**—Subsection (a) shall apply during the period beginning on January 15, 1991, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

10 USC 115
note.

10 USC 115
note, 261 note.

10 USC 527
note.

37 USC 310
note.

37 USC 427
note.

SEC. 303. DETERMINATION OF VARIABLE HOUSING ALLOWANCE FOR RESERVES

37 USC 403a
note.

(a) **USE OF PRINCIPAL PLACE OF RESIDENCE.**—For the purpose of determining the entitlement of a Reserve described in subsection (b) to a variable housing allowance under section 403a of title 37, United States Code, the Reserve shall be considered to be assigned to duty at the Reserve's principal place of residence, determined as prescribed by the Secretary of Defense.

(b) **RESERVE DESCRIBED.**—A Reserve referred to in subsection (a) is a member of a reserve component of the uniformed services who is serving on active duty under a call or order to active duty in connection with Operation Desert Storm and is assigned to duty away from the Reserve's principal place of residence, determined as prescribed by the Secretary.

SEC. 304. MEDICAL, DENTAL, AND NONPHYSICIAN SPECIAL PAYS FOR RESERVE, RECALLED, OR RETAINED HEALTH CARE OFFICERS

37 USC 302
note.

(a) **ELIGIBLE FOR SPECIAL PAY.**—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), notwithstanding any requirement in those sections that—

(1) the call or order of the officer to active duty be for a period of not less than one year; or

(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

(b) **HEALTH CARE OFFICERS DESCRIBED.**—A health care officer referred to in subsection (a) is an officer of the Armed Forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code, and who—

(1) is a reserve officer on active duty under a call or order to active duty for a period of less than one year in connection with Operation Desert Storm;

(2) is involuntarily retained on active duty under section 673c of title 10, United States Code, or is recalled to active duty under section 688 of that title, in connection with Operation Desert Storm; or

(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

(c) **MONTHLY PAYMENTS.**—Payment of special pay pursuant to this section may be made on a monthly basis. If the service on active duty of an officer described in subsection (b) is terminated before the end of the period for which a payment is made to the officer under subsection (a), the officer is entitled to special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), only for the portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

(d) **SPECIAL RULE FOR RESERVE MEDICAL OFFICER.**—While a reserve medical officer receives a special pay under section 302 of title 37, United States Code, by operation of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.

(e) **PERIOD OF APPLICABILITY.**—Subsection (a) shall apply during the period beginning on November 5, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

37 USC 302
note.

SEC. 305. WAIVER OF BOARD CERTIFICATION REQUIREMENTS

(a) **CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.**—A member of the Armed Forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of title 37, United States Code, before the end of the period established for the member in subsection (c) shall be paid special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title (whichever applies) for active duty performed after November 5, 1990, and before the date of that certification and recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of a duty assignment in connection with Operation Desert Storm.

(b) **ELIGIBLE MEMBERS DESCRIBED.**—A member of the Armed Forces referred to in subsection (a) is a member who—

(1) is a medical or dental officer or a nonphysician health care provider;

(2) has completed any required residency training; and

(3) was, except for the board certification requirement, otherwise eligible for special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title during the duty assignment in connection with Operation Desert Storm.

(c) **PERIOD FOR CERTIFICATION.**—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.

37 USC 316
note.

SEC. 306. FOREIGN LANGUAGE PROFICIENCY PAY

(a) **CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.**—A member of the Armed Forces described in subsection (b) who obtains a certification of foreign language proficiency before the end of the period established for the member in subsection (c) shall be paid foreign language proficiency pay under section 316 of title 37, United States Code, for active duty performed after August 2, 1990, and before the date of that certification if the Secretary of Defense determines that the member was unable to schedule or complete that certification earlier because of a duty assignment in connection with Operation Desert Storm.

(b) **ELIGIBLE MEMBERS DESCRIBED.**—A member of the Armed Forces referred to in subsection (a) is a member on active duty who, except for subsection (a)(2) of that section, was otherwise eligible for special pay under that section during the duty assignment in connection with Operation Desert Storm.

(c) **PERIOD FOR CERTIFICATION.**—The period referred to in subsection (a) for completion of certification of foreign language proficiency with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.

10 USC 1478
note.

SEC. 307. TEMPORARY INCREASE IN AMOUNT OF DEATH GRATUITY

In lieu of the amount of the death gratuity specified in section 1478(a) of title 10, United States Code, the amount of the death

gratuity payable under that section shall be \$6,000 for a death resulting from any injury or illness incurred during the Persian Gulf conflict or during the 180-day period beginning at the end of the Persian Gulf conflict.

SEC. 308. DEATH GRATUITY FOR PARTICIPANTS WHO DIED BEFORE THE DATE OF ENACTMENT

10 USC 1478
note.

(a) **PAYMENT OF DEATH GRATUITY.**—Subject to subsections (b) and (c), the Secretary of Defense shall pay a death gratuity to each SGLI beneficiary of each deceased member of the uniformed services who died after August 1, 1990, and before the date of the enactment of this Act, and whose death was in conjunction with or in support of Operation Desert Storm, or attributable to hostile action in regions other than the Persian Gulf, as prescribed in regulations set forth by the Secretary of Defense.

(b) **AMOUNT AND DISTRIBUTION OF GRATUITY.**—The amount of the death gratuity payable to an SGLI beneficiary in the case of a deceased member of the uniformed services under this section shall be equal to the Servicemen's Group Life Insurance paid or payable to such beneficiary under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(c) **APPLICATION FOR GRATUITY REQUIRED.**—A death gratuity shall be payable to an SGLI beneficiary under this section upon receipt of a written application therefor by the Secretary of Defense within one year after the date of the enactment of this Act.

(d) **REGULATIONS.**—The Secretary shall prescribe in regulations the form of the application for benefits under this section and any procedures and requirements that the Secretary considers necessary to carry out this section.

(e) **DEFINITIONS.**—In this section:

(1) The term "SGLI beneficiary", with respect to a deceased member of the uniformed services, means a person to whom Servicemen's Group Life Insurance is paid or payable under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(2) The term "Secretary concerned" has the meaning given that term in section 101(25) of title 38, United States Code.

SEC. 309. TREATMENT OF ACCRUED LEAVE OF MEMBERS WHO DIE WHILE ON ACTIVE DUTY

(a) **SURVIVORS ELIGIBLE FOR PAYMENT FOR ALL ACCRUED LEAVE OF MEMBER.**—In the case of a member of the uniformed services who dies as a result of an injury or illness incurred while serving on active duty during the Persian Gulf conflict, the limitation in the second sentence of subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section shall not apply with respect to a payment made pursuant to subsection (d) of that section for leave accrued during fiscal year 1990 or 1991.

37 USC 501
note.

(b) **TECHNICAL AMENDMENT.**—Section 1115(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1636) is amended by striking out "section 501(b)(3) of title 37, United States Code, does not apply" and inserting in lieu thereof "subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section does not apply".

37 USC 501
note.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (b) shall take effect as of November 5, 1990.

37 USC 501
note.

SEC. 310. REMOVAL OF LIMITATION ON THE ACCRUAL OF SAVINGS OF MEMBERS IN A MISSING STATUS

(a) **ADDITION OF PERSIAN GULF CONFLICT.**—Subsection (b) of section 1035 of title 10, United States Code, is amended—

(1) by inserting before the period in the second sentence the following: “or during the Persian Gulf conflict”; and

(2) in the last sentence, by striking out “the date designated” and all that follows through the period and inserting in lieu thereof the following: “May 7, 1975, and the Persian Gulf conflict begins on January 16, 1991, and ends on the date thereafter prescribed by Presidential proclamation or by law.”.

(b) **MISSING STATUS DEFINED.**—Such section is further amended by adding at the end the following new subsection:

“(f) In this section, the term ‘missing status’ has the meaning given such term in section 551(2) of title 37.”.

(c) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (b), by striking out “, as defined in section 551(2) of title 37,”; and

(2) in subsection (e), by striking out “(as defined in section 551(2) of title 37)”.

37 USC 403
note.

SEC. 310A. BASIC ALLOWANCE FOR QUARTERS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS WITHOUT DEPENDENTS

(a) **IN GENERAL.**—A member of a reserve component of the uniformed services without dependents who is called or ordered to active duty in connection with Operation Desert Storm shall be entitled to a basic allowance for quarters under section 403 of title 37, United States Code, if, because of the call or order, the member is unable to continue to occupy a residence—

(1) which is maintained as the primary residence of the member at the time of the call or order; and

(2) which is owned by the member or for which the member is responsible for rental payments.

(b) **PERIOD OF APPLICABILITY.**—Subsection (a) shall apply during the period beginning on August 2, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

PART B—MILITARY PERSONNEL POLICIES AND PROGRAMS

SEC. 311. GRADE OF RECALLED RETIRED MEMBERS

(a) **IN GENERAL.**—A retired member of the Armed Forces ordered to active duty under section 688 of title 10, United States Code, in connection with Operation Desert Storm who had previously served on active duty satisfactorily, as determined by the Secretary of the military department concerned, in a grade higher than that member's retired grade may be ordered to active duty under that section in the highest grade in which the member had so served satisfactorily.

(b) **GRADE UPON RELEASE FROM ACTIVE DUTY.**—(1) For the purposes of section 688(b) of title 10, United States Code, a member of the Armed Forces ordered to active duty in a grade that is higher than the member's retired grade pursuant to subsection (a) shall be deemed to have been promoted to such higher grade while on such active duty.

10 USC 688
note.

(2) A retired member described in subsection (a) who, upon being released from the tour of active duty covered by that subsection, has served on active duty satisfactorily, as determined by the Secretary concerned, for not less than a total of 36 months in a grade higher than the member's retired grade, is entitled, upon that release from active duty, to placement on the retired list in that grade.

(c) EFFECTIVE DATE.—This section shall apply with respect to retired members ordered to active duty on or after August 2, 1990.

SEC. 312. TEMPORARY CHAMPUS PROVISIONS REGARDING DEDUCTIBLES AND COPAYMENT REQUIREMENTS

(a) DELAY IN THE INCREASE OF ANNUAL DEDUCTIBLES UNDER CHAMPUS.—The annual deductibles specified in subsection (b) of section 1079 of title 10, United States Code (as in effect on November 4, 1990), shall apply until October 1, 1991, in the case of health care provided under that section to the dependents of a member of the uniformed services who serves or served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(b) WAIVER OF COPAYMENT REQUIREMENTS.—(1) Any civilian health care provider furnishing health care pursuant to a plan contracted for under the authority of section 1079 or 1086 of title 10, United States Code, may waive, in whole or in part, any requirement for payment under subsection (b) of that section by a patient described in paragraph (2) for health care furnished the patient by such health care provider during the Persian Gulf conflict.

(2) A patient referred to in paragraph (1) is a dependent of a member of the uniformed services who serves on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(3) If a health care provider waives a payment for health care under paragraph (1), the health care provider shall certify to the Secretary of Defense that the amount charged the Federal Government for such health care was not increased above the amount that the health care provider would have charged the Federal Government for such health care had the payment not been waived. The Secretary of Defense may require a health care provider to provide information to the Secretary to show the compliance of the health care provider with this paragraph.

SEC. 313. TRANSITIONAL HEALTH CARE

(a) HEALTH CARE PROVIDED.—A member of the Armed Forces described in subsection (b), and the dependents of the member, shall be entitled to receive health care described in subsection (c) upon the release of the member from active duty in connection with Operation Desert Storm until the earlier of—

(1) 30 days after the date of the release of the member from active duty; or

(2) the date on which the member and the dependents of the member are covered by a health plan sponsored by an employer.

(b) ELIGIBLE MEMBER DESCRIBED.—A member of the Armed Forces referred to in subsection (a) is a member who—

(1) is a member of a reserve component of the Armed Forces and is called or ordered to active duty under chapter 39 of title 10, United States Code, in connection with Operation Desert Storm;

Health insurance.
Health care provider.
10 USC 1079 note.

10 USC 1076 note.

(2) is involuntarily retained on active duty under section 673c of title 10, United States Code, in connection with Operation Desert Storm; or

(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

(c) **HEALTH CARE DESCRIBED.**—The health care referred to in subsection (a) is—

(1) medical and dental care under section 1076 of title 10, United States Code, in the same manner as a dependent described in subsection (a)(2) of that section; and

(2) health benefits contracted under the authority of section 1079(a) of that title and subject to the same rates and conditions as apply to persons covered under that section.

(d) **DEPENDENT DEFINED.**—For purposes of this section, the term “dependent” has the meaning given that term in section 1072(2) of title 10, United States Code.

SEC. 314. EXTENSION OF CERTAIN PERSIAN GULF CONFLICT PROVISIONS

Title XI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1634 et seq.) is amended as follows:

(1) The following sections are amended by striking out “Operation Desert Shield” each place it appears and inserting in lieu thereof “the Persian Gulf conflict”: sections 1111(b)(1), 1114, and 1115.

(2) Section 1111 is further amended—

(A) by striking out “for fiscal year 1990 and during fiscal year 1991” in subsection (b)(1);

(B) by inserting “or for fiscal year 1992” in subsection (b)(2) after “fiscal year 1991”; and

(C) by striking out subsection (c).

(3) Sections 1114(a) and 1115(a) are amended by striking out “during fiscal year 1990 or 1991”.

SEC. 315. STUDY OF DEPARTMENT OF DEFENSE POLICIES RELATING TO DEPLOYMENT OF MILITARY SERVICEMEMBERS WITH DEPENDENTS OR SERVICEMEMBERS FROM FAMILIES WITH MORE THAN ONE SERVICEMEMBER

(a) **STUDY.**—The Secretary of Defense shall carry out a study of the policies of the Department of Defense relating—

(1) to activation of units and members of reserve components for active duty (other than for training); and

(2) to deployments overseas of members of the Armed Forces (whether from active or reserve components),

as those policies affect the family responsibilities and interests of members of the Armed Forces who have minor children or who are from families with more than one member in the Armed Forces.

(b) **MATTERS TO BE CONSIDERED.**—The study under subsection (a) shall examine the family policies of the military departments for consistency among the Armed Forces and shall consider whether these policies adequately address the needs of reserve component personnel. The study shall also assess the responsiveness of current policies to the needs of the all-volunteer Force as it is presently constituted, as reflected by its demographic profile.

(c) **REPORT.**—Not later than March 31, 1992, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study under subsection (a). The report shall include an

37 USC 403a
note; 10 USC
1035 note; 37
USC 501 note.

analysis of the effect of deployments made as part of military operations during the Persian Gulf conflict on members of the Armed Forces referred to in that subsection, including the following (which shall be shown separately by service and for active-component and reserve-component personnel):

(1) The number of single parent military personnel who were deployed and the number of children of those parents.

(2) The number of members of the Armed Forces married to another member of the Armed Forces who were both deployed and the number of children of those members.

(3) The number of members of the Armed Forces deployed (or given orders to deploy) who requested exceptions to existing policies respecting family members, categorized by the reasons given for the requests and the dispositions of the requests.

(4) A description of any differences in any of the military departments in policies applicable to active component members and reserve component members and any problems that arose from those differences.

(5) A statement of the incidence of use of military family assistance programs by persons other than parents who provided care for dependent children while parents in the Armed Forces were deployed.

(6) A discussion of the effectiveness of military family assistance programs during the Persian Gulf conflict.

(7) A discussion of the applicability of existing policies with respect to members of the Armed Forces who have dependents other than minor children, including dependent parents and dependent disabled adult children.

(8) A discussion of proposed and actual changes by the Department of Defense in family assistance programs and assignment policies.

SEC. 316. ADJUSTMENT IN THE EFFECTIVE DATE OF CHANGES IN MENTAL HEALTH BENEFITS AS A RESULT OF OPERATION DESERT STORM

(a) **IN GENERAL.**—(1) Section 703(d) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1582) is amended by striking out “February 15, 1991” and inserting in lieu thereof “October 1, 1991”.

10 USC 1079
note.

(2) Section 8044 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1884) is amended (A) in the matter preceding the first proviso, by striking out “this Act” and inserting in lieu thereof “any Act appropriating funds to the Department of Defense for fiscal year 1992 and”, and (B) in the fifth proviso, by striking out “February 15, 1991” and inserting in lieu thereof “October 1, 1991”.

(b) **TRANSITION PROVISION.**—Effective as of February 15, 1991, subsections (a)(6) and (i) of section 1079 of title 10, United States Code, as those subsections were in effect on February 14, 1991, are revived.

(c) **FUNDS.**—Of the amount authorized to be appropriated by section 391, \$36,000,000 shall be available for increased costs by reason of the amendments made by this section.

SEC. 317. SENSE OF THE HOUSE OF REPRESENTATIVES ON SEPARATION OF CERTAIN MEMBERS FROM THEIR INFANT CHILDREN

It is the Sense of the House of Representatives that—

(1) The armed services shall strive to devise and implement a uniform policy with respect to the deployment of mothers of newborn children.

(2) Such policy should provide that to the maximum extent possible, mothers of new born children under the age of 6 months shall not be:

(A) deployed in the case of a mother on active duty; or

(B) activated, if activation requires separating the mother and child, or deployed in the case of a mother serving in a reserve component.

Persian Gulf
War Veterans'
Benefits Act
of 1991.
38 USC 101
note.

PART C—VETERANS BENEFITS AND PROGRAMS

SEC. 331. SHORT TITLE

This part may be cited as the "Persian Gulf War Veterans' Benefits Act of 1991".

SEC. 332. INCLUSION OF PERSIAN GULF WAR WITHIN DEFINITION OF "PERIOD OF WAR" FOR PURPOSES OF VETERANS BENEFITS

Section 101 of title 38, United States Code, is amended—

(1) in paragraph (11), by inserting "the Persian Gulf War," after "the Vietnam era,"; and

(2) by adding at the end the following new paragraph:

"(33) The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law."

SEC. 333. PENSION ELIGIBILITY FOR PERSIAN GULF WAR VETERANS AND SURVIVING SPOUSES OF PERSIAN GULF WAR VETERANS

(a) Section 501 of title 38, United States Code, is amended by inserting "the Persian Gulf War," in paragraph (4) after "the Vietnam era,".

(b) Section 541(f)(1) of such title is amended—

(1) by striking out "or" before (D); and

(2) by inserting before the semicolon at the end " , or (E) January 1, 2001, in the case of a surviving spouse of a veteran of the Persian Gulf War".

(c) CONFORMING AMENDMENTS.—(1) The heading above section 541 of such title is amended to read as follows:

"OTHER PERIODS OF WAR".

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the heading between the items relating to section 537 and 541 and inserting in lieu thereof the following:

"Other Periods of War".

SEC. 334. HEALTH BENEFITS

(a) PERIOD OF SERVICE FOR DENTAL BENEFITS.—Section 612(b) of title 38, United States Code, is amended by inserting "or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days" after "180 days" in paragraphs (1)(B)(ii) and (2).

(b) PRESUMPTION RELATING TO PSYCHOSIS.—Section 602 of such title is amended—

(1) by striking out "or the Vietnam era" and inserting in lieu thereof "the Vietnam era, or the Persian Gulf War";

(2) by striking out “or” after “Korean conflict,” the second place it appears; and

(3) by inserting “or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War,” after “Vietnam era veteran,”.

(c) **COVERAGE OF CERTAIN PRESCRIPTION DRUG BENEFITS.**—Section 612(h) of such title is amended in the first sentence by striking out “the Mexican border period” and all that follows through “Vietnam era” and inserting in lieu thereof “a period of war”.

(d) **READJUSTMENT COUNSELING.**—Section 612A(a) of such title is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following new paragraph:

“(2)(A) The Secretary shall furnish counseling as described in paragraph (1), upon request, to any veteran who served on active duty after May 7, 1975, in an area at a time during which hostilities occurred in such area.

“(B) For the purposes of subparagraph (A) of this paragraph, the term ‘hostilities’ means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.”.

SEC. 335. REPORTS BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS CONCERNING SERVICES TO TREAT POST-TRAUMATIC STRESS DISORDER

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress two reports containing, with respect to their respective Departments, the following:

(1) An assessment of the need for rehabilitative services for members of the Armed Forces participating in the Operation Desert Storm who experience post-traumatic stress disorder.

(2) A description of the available programs and resources to meet those needs.

(3) The specific plans of that Secretary for treatment of members experiencing post-traumatic stress disorder, particularly with respect to any specific needs of members of reserve components.

(4) An assessment of needs for additional resources necessary in order to carry out such plans.

(5) A description of plans to coordinate treatment services for post-traumatic stress disorder with the other Department.

(b) **TIMES FOR SUBMISSION OF REPORTS.**—The first report by each of the Secretaries shall be submitted not later than 90 days after the date of the enactment of this Act, and the second report by each of the Secretaries shall be submitted a year later.

SEC. 336. LIFE INSURANCE BENEFITS

(a) **SERVICEMEN’S GROUP LIFE INSURANCE.**—Section 767 of title 38, United States Code, is amended—

(1) in subsections (a) and (c), by striking out “\$50,000” each place it appears and inserting in lieu thereof “\$100,000”; and

(2) in subsection (d)—

(A) by striking out “January 1, 1986” each place it appears and inserting in lieu thereof “May 1, 1991”; and

(B) by striking out “\$50,000” and inserting in lieu thereof “\$100,000”.

(b) **VETERANS’ GROUP LIFE INSURANCE.**—Section 777(a) of such title is amended by striking out “\$50,000” each place it appears and inserting in lieu thereof “\$100,000”.

38 USC 767
note.

(c) **EFFECTIVE DATES.**—(1) The amendments made by subsection (a) shall apply with respect to deaths on or after the date of the enactment of this Act.

SEC. 337. INCREASE IN THE AMOUNT OF MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PAYMENTS

(a) **AMOUNT OF BENEFIT PAYMENTS UNDER CHAPTER 30.**—Section 1415 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out “and (c)” and inserting in lieu thereof “, (c), (d), (e), and (f)”;

(2) in subsection (b), by striking out “In” and inserting in lieu thereof “Except as provided in subsections (c), (d), (e), and (f), in”;

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

“(f)(1) During the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly rates payable under subsection (a)(1) or (b)(1) of this section shall be \$350 and \$275, respectively.

“(2) With respect to the fiscal year beginning on October 1, 1993, the Secretary may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under paragraph (1) of this subsection and may provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

“(3) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under this subsection for the previous fiscal year and may provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).”.

(b) **AMOUNT OF BENEFIT PAYMENTS UNDER SELECTED RESERVE PROGRAM.**—(1) Section 2131(b) of title 10, United States Code, is amended—

(A) by striking out “(b) Except as provided in” and inserting in lieu thereof “(b)(1) Except as provided in paragraph (2) and”;

(B) by redesignating paragraphs (1), (2), (3), and (4), as subparagraphs (A), (B), (C), and (D), respectively; and

(C) and by adding at the end the following new paragraph:

“(2)(A) During the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1) shall be \$170, \$128, and \$85, respectively.

“(B) With respect to the fiscal year beginning on October 1, 1993, the Secretary may continue to pay, in lieu of the rates payable

under subparagraphs (A), (B), and (C) of paragraph (1), the monthly rates payable under subparagraph (A) of this paragraph and may provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

“(C) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary may continue to pay, in lieu of the rates payable under subparagraphs (A), (B), and (C) of paragraph (1), the monthly rates payable under this paragraph for the previous fiscal year and may provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).”

(2) Section 2131(f)(2) of such title is amended by striking out “\$140” and inserting in lieu thereof “amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned”.

(3) Section 2131(g)(3) of such title is amended by striking out “\$140” and inserting in lieu thereof “amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned”.

SEC. 338. MEMBERSHIP ON EDUCATIONAL BENEFITS ADVISORY COMMITTEE FOR PERSIAN GULF WAR VETERAN

Section 1792(a) of title 38, United States Code, is amended by striking out “and the post-Vietnam era” in the second sentence and inserting in lieu thereof “the post-Vietnam era, and the Persian Gulf War”.

SEC. 339. IMPROVED REEMPLOYMENT RIGHTS FOR DISABLED VETERANS

(a) **IN GENERAL.**—Chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 2027. Qualification for employment position

“(a) For the purposes of this chapter, a person shall be considered qualified to perform the duties of an employment position if such person, with or without reasonable accommodation, can perform the essential functions of the position.

“(b) For the purposes of subsection (a) of this section, an employer shall be required to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such employer.

“(c) For purposes of subsections (a) and (b) of this section—

“(1) the term ‘employer’ means—

“(A) until July 26, 1994, a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person; and

“(B) on and after July 26, 1994, a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person;

except that such term does not include the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986; and

“(2) the terms ‘reasonable accommodation’ and ‘undue hardship’ have the meanings given such terms in paragraphs (9) and (10), respectively, of section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 (9) and (10)).

“(d) Nothing in this chapter shall be interpreted to limit in any way any of the rights conferred by the Americans with Disabilities Act of 1990.”

(b) **TECHNICAL AMENDMENT.**—The table of sections of such chapter is amended by adding at the end the following:

“2027. Qualification for employment position.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as of August 1, 1990.

38 USC 2027
note.

SEC. 340. REQUALIFICATION OF FORMER EMPLOYEES

(a) **IN GENERAL.**—Section 2021(a) of title 38, United States Code, is amended—

(1) in clause (A), by inserting “or able to become requalified with reasonable efforts by the employer” after “perform the duties of such position” each place it appears; and

(2) in clause (B), by inserting “or able to become requalified with reasonable efforts by the employer” after “perform the duties of such position” each place it appears.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as of August 1, 1990.

38 USC 2021
note.

SEC. 341. ELIGIBILITY FOR HOUSING BENEFITS

Section 1802(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(D) Each veteran who served on active duty for 90 days or more at any time during the Persian Gulf War, other than a veteran ineligible for benefits under this title by reason of section 3103A(b) of this title.”

PART D—FEDERAL EMPLOYEE BENEFITS

SEC. 361. LEAVE BANK FOR FEDERAL CIVILIAN EMPLOYEES IN RESERVES WHO WERE ACTIVATED DURING PERSIAN GULF WAR

(a) **CIVIL SERVICE EMPLOYEES.**—The Office of Personnel Management shall establish a leave bank program under which—

(1) an employee in any executive agency may (during a period specified by the Office of Personnel Management) donate any unused annual leave from the employee’s annual leave account to a leave bank established by the Office of Personnel Management;

(2) the total annual leave that has been donated under paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed

5 USC 6361
note.

Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code, and who return to civilian employment with their agencies; and

(3) such Persian Gulf conflict participants who have returned to civilian employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

(b) **DEFINITIONS.**—For purposes of subsection (a), the term “employee” means an employee as defined in section 6361(1) of title 5, United States Code.

(c) **DEADLINE FOR REGULATIONS.**—Within 30 days after the date of the enactment of this Act, the Office of Personnel Management shall prescribe regulations necessary for the administration of subsection (a).

(d) **DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PROFESSIONALS.**—The Secretary of Veterans Affairs shall establish a program similar to that established under subsection (a) for the benefit of health-care professionals covered under section 4108(e) of title 38, United States Code. Such program shall be as similar and practicable to the program established under subsection (a).

PART E—HIGHER EDUCATION ASSISTANCE

SEC. 371. SHORT TITLE

This part may be cited as the “Persian Gulf Conflict Higher Education Assistance Act”.

SEC. 372. OPERATION DESERT STORM WAIVER AUTHORITY

(a) **PURPOSE.**—It is the purpose of this section to ensure that—

(1) the men and women serving on active duty in connection with Operation Desert Storm who are borrowers of Stafford Loans or Perkins Loans are not placed in a worse position financially in relation to those loans because of such service;

(2) the administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) (hereafter in this section referred to as the “Act”) who are engaged in such military service are minimized to the extent possible without impairing the integrity of the student loan programs, in order to ease the burden on such borrowers, and to avoid inadvertent, technical defaults; and

(3) the future eligibility of such an individual for Pell Grants is not reduced by the amount of such assistance awarded for a period of instruction that such individual was unable to complete, or for which the individual did not receive academic credit, because the individual was called up for such service.

(b) **WAIVER REQUIREMENT.**—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education shall waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Act that the Secretary deems necessary to achieve the purposes stated in subsection (a), including—

(1) the length of, and eligibility requirements for, the military deferments authorized under sections 427(a)(2)(C)(ii), 428(b)(1)(M)(ii), and 464(c)(2)(A)(ii) of the Act, in order to enable the borrower of a Stafford Loan or a Perkins Loan who is or was

Persian Gulf
Conflict
Higher
Education
Assistance Act.
20 USC 1070
note.

serving on active duty in connection with Operation Desert Storm to obtain a military deferment, under which interest shall accrue and shall, if otherwise payable by the Secretary of Education, be paid by the Secretary of Education, for the duration of such service;

(2) administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Act who are or were engaged in such military service;

(3) the number of years for which individuals who are engaged in such military service may be eligible for Pell Grants under subpart 1 of part A of title IV of the Act;

(4) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a period of deferment under section 427(a)(2)(C)(ii) or 428(b)(1)(M)(ii) of the Act;

(5) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a single period of deferment under section 427(a)(2)(C)(i) or 428(b)(1)(M)(i) of the Act subsequent to such service; and

(6) the modification of the terms "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Act for such individual (and the determination of such need for the individual's spouse and dependents, if applicable), to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such individual and such individual's family.

(c) **NOTICE OF WAIVER.**—Notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section. Such notice shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions. The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(d) **DEFINITIONS.**—For purposes of this part—

(1) individuals serving on active duty in connection with Operation Desert Storm include—

(A) any Reserve of the Armed Forces called to active duty under section 672(a), 672(g), 673, 673(b), 674, or 688 of title 10, United States Code, for service in connection with Operation Desert Storm, regardless of the location at which such active duty service is performed; and

(B) for purposes of waivers of administrative requirements under subsection (b)(2) only, any other member of the Armed Forces on active duty in connection with Operation Desert Storm, who has been assigned to a duty station at a location other than the location at which such member is normally assigned; and

(2) the term "active duty" has the meaning given such term in section 101(22) of title 10, United States Code, except that such

term does not include active duty for training or attendance at a service school.

SEC. 373. TUITION REFUNDS OR CREDITS

(a) SENSE OF CONGRESS.—It is the sense of the Congress that all institutions offering postsecondary education should provide a full refund to any member of the Armed Forces on active duty in connection with Operation Desert Storm for that portion of a period of instruction such individual was unable to complete, or for which such individual did not receive academic credit, because such individual was called up for such service. For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

(b) ENCOURAGEMENT AND REPORT.—The Secretary of Education shall encourage institutions to provide such refunds or credits, and shall report to the appropriate committees of Congress on the actions taken in accordance with this subsection as well as information the Secretary receives regarding any institutions that are not providing such refunds or credits.

SEC. 374. ELIGIBILITY OF STUDENT BORROWERS

Section 731 of the Public Health Service Act (42 U.S.C. 294d) is amended—

(1) in subsection (a)(2)(C)—

(A) by striking “or” at the end of clause (vi); and

(B) by striking “and any such period” and all that follows through “clause (B) above;” in clause (vii) and inserting the following: “and (viii) in addition to all other deferments for which the borrower is eligible under clauses (i) through (vii) during which the borrower is a member of the Armed Forces on active duty during the Persian Gulf conflict, and any period described in clauses (i) through (viii) shall not be included in determining the 25-year period described in subparagraph (B);” and

(2) by adding at the end the following new subsection:

“(f) As used in this section:

“(1) The term ‘active duty’ has the meaning given such term in section 101(18) of title 37, United States Code, except that such term does not include active duty for training.

“(2) The term ‘Persian Gulf conflict’ means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.”

SEC. 375. TERMINATION OF SECTIONS 372 AND 373

The provisions of sections 372 and 373 shall cease to be effective on September 30, 1997.

SEC. 376. COORDINATION WITH OTHER LAW

If the Higher Education Technical Amendments of 1991 is enacted, the provisions of sections 4, 5, and 6 of that Act shall supersede sections 372, 373, and 375.

PART F—PROGRAMS FOR FARMERS AND RANCHERS

7 USC 1421
note.

SEC. 381. DEFINITIONS

As used in this part:

(1) **ACTIVATED RESERVIST.**—The term “activated reservist” means a member of a reserve component of the Armed Forces who served or is serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(d), 672(g), 673, 673b, 674, 675, or 678 of title 10, United States Code.

(2) **FARMER PROGRAM LOAN.**—The term “farmer program loan” has the same meaning given such term in section 343(a)(10) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(10)).

(3) **RESERVE COMPONENT OF THE ARMED FORCES.**—The term “reserve component of the Armed Forces” means a reserve component named in section 261(a) of title 10, United States Code.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(5) **OTHER TERMS.**—

(A) **AGRICULTURAL ACT OF 1949.**—The terms “crop acreage base”, “producer”, “program crop”, and any other terms used in this title have the same meanings specifically given such terms in the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(B) **TITLE 10.**—The term “active duty” has the meaning given such term in section 101 of title 10, United States Code.

SEC. 382. BASE PROTECTION

The Secretary shall, with respect to a producer on a farm who is an activated reservist during a crop year, provide for the protection of the producer’s crop acreage base for any program crop on the farm to the extent necessary to provide fair and equitable treatment for the producer.

Crop
insurance.

SEC. 383. WAIVER OF MINIMUM PLANTING REQUIREMENT

The producers on a farm shall be eligible for payments for a crop of rice or upland cotton under sections 101B(c)(1)(D)(i) and 103B(c)(1)(D)(i) of the Agricultural Act of 1949 (7 U.S.C. 1441-2(c)(1)(D)(i) and 1444-2(c)(1)(D)(i)), without regard to the minimum planting requirement established in sections 101B(c)(1)(D)(ii) and 103B(c)(1)(D)(ii) of such Act, if—

(1) one or more of the producers on the farm is an activated reservist during any portion of the crop year; and

(2) the producers on the farm satisfy all other requirements determined appropriate by the Secretary for the payments.

SEC. 384. CONSERVATION REQUIREMENTS

(a) **TEMPORARY WAIVER AUTHORITY.**—The Secretary may provide for a temporary waiver or modification of the application of subtitles A through E of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) with respect to producers on a farm who are activated reservists if—

(1) the temporary waiver or modification is only for the period during which the producer is an activated reservist;

(2) the Secretary determines that the temporary waiver or modification is necessary to prevent undue hardship caused as a result of the producer’s service on active duty during the Persian Gulf Conflict or to provide equitable treatment for the activated reservist; and

(3) the temporary waiver or modification will not significantly detract from the purposes and objectives of subtitles A through E of title XII of the Food Security Act of 1985.

(b) **REPORT.**—The Secretary shall, not later than March 31, 1992, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate regarding the temporary waivers and modifications granted under subsection (a). Such report shall include—

(1) a summary of the types of waivers and modifications granted under subsection (a);

(2) a summary of the number and the geographical breakdown of the waivers and modifications granted under subsection (a); and

(3) an assessment of the effect of the waivers and modifications granted under subsection (a) on the ability of the programs established under subtitles A through E of title XII of the Food Security Act of 1985 to accomplish the purposes and objectives of such subtitles.

SEC. 385. FARM CREDIT PROVISIONS

(a) **IN GENERAL.**—The Secretary shall establish a program to provide relief to any borrower of a farmer program loan if the borrower is an activated reservist.

(b) **BORROWER RELIEF.**—The Secretary shall modify the terms and conditions of farmer program loans (including loans in which any participant in the loan is an activated reservist) made or insured under the Consolidated Farm and Rural Development Act, or purchased under section 309B of such Act (7 U.S.C. 1926b), to the extent necessary, as determined by the Secretary, to alleviate conditions of distress related to the activation of such reservist and to assist keeping the farm or ranch of an activated reservist borrower in operation for such period of time as the Secretary determines is fair and equitable.

(c) **LOAN MODIFICATIONS.**—The Secretary may modify farmer program loans, including delinquent loans, by deferring scheduled payments, reducing interest rates or accumulated interest charges, reamortizing or consolidating loans, reducing the amount of scheduled payments, releasing additional income, reducing collateral requirements, or taking any other restructuring actions determined appropriate by the Secretary to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

(d) **NOTICE.**—The Secretary shall develop a program to notify any person that has an interest in, or is operating, a farm or ranch of an activated reservist who is a farmer program loan borrower of the borrower relief provisions of this section.

SEC. 386. PROGRAM ADMINISTRATION PROVISIONS

(a) **SIGN-UP PROCEDURES.**—The Secretary may provide for procedures by which the spouse or other close relative (as determined by the Secretary) of an activated reservist may participate in, or make decisions related to, a program administered by the Secretary under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), the Food Security Act of 1985 (Public Law 99-198), the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624), the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et

Loan
programs.

seq.), or any other Act concerning the operation of the activated reservist's farming or ranching operation.

(b) REQUIREMENTS.—The Secretary may rely on the representation of the spouse or close relative (even in the absence of a power of attorney) made under such procedures if—

(1) The Secretary determines that the reliance is appropriate in order to prevent undue hardship and to provide equitable treatment for the activated reservist; and

(2) the Secretary has reason to believe that the representation of the spouse or close relative is in accordance with the wishes of the activated reservist.

Regulations.

SEC. 387. ADMINISTRATION

The Secretary shall issue such regulations, and take such other actions, as are necessary to carry out this part. Section 553 of title 5, United States Code, shall not apply with respect to the implementation of this part by the Secretary.

Food stamps.

SEC. 388. OUTREACH PROJECTS

(a) The Secretary shall conduct a sufficient number of outreach projects to inform appropriate households, of which a member is a member of the Armed Forces serving on active duty (other than for training) that they might be eligible for participation in the Food Stamp Program authorized under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(b) The Secretary shall—

(1) in designing and carrying out projects under subsection (a), consult with the Secretary of Defense, appropriate State agencies, and appropriate military family support groups; and

(2) ensure that the projects under subsection (a) begin no later than July 1, 1991, and end July 1, 1992.

Reports.

(c) The Secretary shall submit a report, by September 1, 1992, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of each method used under subsection (a) to inform households of food stamp eligibility.

PART G—BUDGET TREATMENT

SEC. 391. AUTHORIZATION OF APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT

(a) AUTHORIZATION.—In addition to the authorizations of appropriations in titles I and II, there is hereby authorized to be appropriated from the Defense Cooperation Account the sum of \$655,000,000, to be available only for the payment of title III benefits for fiscal years 1991 through 1995, except that none of the amount appropriated pursuant to such authorization shall be available for (1) payment of Montgomery GI bill rate increases for fiscal years after fiscal year 1993, or (2) for costs under the amendments made by section 334. Of the amount appropriated pursuant to such authorization, \$255,000,000 is available only for the costs of benefits under part C of this title, and no more than such amount may be available from such account for those costs.

(b) LONG-TERM COSTS.—The amount of funds in the Defense Cooperation Account on October 1, 1992 (other than funds appropriated pursuant to authorizations in other provisions of this Act), is hereby authorized to be appropriated from that account for costs of

title III benefits (other than Montgomery GI bill rate increases and costs under the amendments made by section 334) accruing after fiscal year 1995.

(c) **INCREMENTAL COSTS.**—The costs of title III benefits (other than Montgomery GI bill rate increases and costs under the amendments made by section 334) for fiscal years 1991 through 1995 and the costs of Montgomery GI bill rate increases for fiscal years 1992 and 1993 are incremental costs associated with Operation Desert Storm.

SEC. 392. BENEFITS CONTINGENT UPON APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT

(a) **IN GENERAL.**—No person is entitled to, or eligible for, any title III benefit that is payable during fiscal years 1991 through 1995 unless an appropriations Act appropriates funds for such benefit from the Defense Cooperation Account for transfer to applicable appropriations. The preceding sentence does not apply with respect to Montgomery GI bill rate increases or to benefits under section 334.

(b) **VETERANS BENEFITS.**—No person is entitled to, or eligible for, payment of Montgomery GI bill rate increases during fiscal year 1992 or fiscal year 1993 unless an appropriations Act appropriates funds for the payment of such rate increases from the Defense Cooperation Account for transfer to applicable appropriations.

SEC. 393. DEFINITION; CONSTRUCTION OF SECTIONS 391 AND 392

(a) **DEFINITION.**—For purposes of this title, the term “Montgomery GI bill rate increases” means increases provided by section 337 with respect to fiscal years 1992 and 1993 in the monthly rates of educational assistance benefits in effect on the day before the date of the enactment of this Act under chapter 106 of title 10, United States Code, and under chapter 30 of title 38, United States Code.

(b) **CONSTRUCTION.**—For purposes of sections 391 and 392—

(1) a title III benefit is (A) any new payment or benefit provided by this title, or (B) any increase provided by this title in payments amounts or benefits previously provided by law; and

(2) a reference to provisions of this title shall be considered to include reference to provisions of law added by amendments made by this title.

TITLE IV—REPORTS ON FOREIGN CONTRIBUTIONS AND THE COSTS OF OPERATION DESERT STORM

10 USC 113
note.

SEC. 401. REPORTS ON UNITED STATES COSTS IN THE PERSIAN GULF CONFLICT AND FOREIGN CONTRIBUTIONS TO OFFSET SUCH COSTS

(a) **REPORTS REQUIRED.**—The Director of the Office of Management and Budget shall prepare, in accordance with this section, periodic reports on the incremental costs associated with Operation Desert Storm and on the amounts of contributions made to the United States by foreign countries to offset those costs. The Director shall prepare the reports in consultation with the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, and other appropriate Government officials.

(b) **COSTS OF OPERATION DESERT STORM.**—

(1) **PERIOD COSTS AND CUMULATIVE COSTS.**—Each report prepared under subsection (a) shall specify—

(A) the incremental costs associated with Operation Desert Storm that were incurred during the period covered by the report; and

(B) the cumulative total of such costs, by fiscal year, from August 1, 1990, to the end of the period covered by the report.

(2) **NONRECURRING COSTS AND COSTS OFFSET.**—In specifying the incremental costs associated with Operation Desert Storm that were incurred during the period covered by a report and the total of such costs, the Director shall separately identify those costs that—

(A) are nonrecurring costs;

(B) are offset by in-kind contributions; or

(C) are offset (or proposed to be offset) by the realignment, reprogramming, or transfer of funds appropriated for activities unrelated to the Persian Gulf conflict.

(c) **SPECIFIC COST AREAS.**—Each report prepared under subsection (a) on the incremental costs associated with Operation Desert Storm shall specify an allocation of the total amount of such costs among the military departments, the Defense Agencies of the Department of Defense, and the Office of the Secretary of Defense, by category, including the following categories:

(1) **AIRLIFT.**—Airlift costs related to the transportation by air of personnel, equipment, and supplies.

(2) **SEALIFT.**—Sealift costs related to the transportation by sea of personnel, equipment, and supplies.

(3) **PERSONNEL.**—Personnel costs, including pay and allowances of members of the reserve components of the Armed Forces called or ordered to active duty and increased pay and allowances of members of the regular components of the Armed Forces incurred because of deployment in connection with Operation Desert Storm.

(4) **PERSONNEL SUPPORT.**—Personnel support costs, including subsistence, uniforms, and medical costs.

(5) **OPERATING SUPPORT.**—Operating support costs, including equipment support costs, costs associated with increased operational tempo, spare parts, stock fund purchases, communications, and equipment maintenance.

(6) **FUEL.**—Fuel costs.

(7) **PROCUREMENT.**—Procurement costs, including ammunition, weapon systems improvements and upgrades, and equipment purchases.

(8) **MILITARY CONSTRUCTION.**—Military construction costs.

(d) **CONTRIBUTIONS TO THE UNITED STATES.**—

(1) **AMOUNT OF CONTRIBUTIONS.**—Each report prepared under subsection (a) shall specify the amount of contributions made to the United States by each foreign country that is making contributions to defray the cost to the United States of Operation Desert Storm. The amount of each country's contribution during the period covered by each report, as well as the cumulative total of such contributions made before the date of the report, shall be indicated as follows:

(A) Cash payments pledged.

(B) Cash payments received.

(C) Description and value of in-kind contributions pledged.

(D) Description and value of in-kind contributions received.

(2) PLEDGE PERIOD AND USE RESTRICTIONS.—In specifying the amount of each contribution pledged, the Director shall indicate—

(A) the time period, if any, for which that contribution applies; and

(B) any restrictions on the use of that contribution.

(e) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report required by subsection (a) shall be submitted to the Congress not later than 14 days after the date of the enactment of this Act and shall cover the period beginning on August 1, 1990, and ending on December 31, 1990.

(2) SECOND REPORT.—The second report shall be submitted to the Congress not later than 21 days after the date of the enactment of this Act and shall cover—

(A) January and February 1991, with respect to information required under subsections (b) and (c); and

(B) January, February, and March 1991, with respect to information required under subsection (d).

(3) SUBSEQUENT MONTHLY REPORTS.—A report shall be submitted to Congress not later than the 15th day of each month after April 1991 and shall cover—

(A) the month before the preceding month, in the case of information required under subsections (b) and (c); and

(B) the preceding month, in the case of information required under subsection (d).

(4) FINAL REPORT.—The final report shall be submitted not later than November 15, 1992, and shall include—

(A) the information required under subsections (b) and (c) relating to the month of September 1992; and

(B) a summary of all information that was included in reports submitted under this section.

SEC. 402. REPORTS ON FOREIGN CONTRIBUTIONS IN RESPONSE TO THE PERSIAN GULF CRISIS

(a) REPORTS REQUIRED.—The Secretary of State and the Secretary of the Treasury shall jointly prepare periodic reports on the contributions made by foreign countries as part of the international response to the Persian Gulf crisis. The Secretaries shall prepare the reports in consultation with the Secretary of Defense and other appropriate Federal Government officials.

(b) INFORMATION TO BE PROVIDED.—Each report required by this section shall include the following information for each foreign country making contributions as part of the international response to the Persian Gulf crisis:

(1) PARTICIPATION IN THE INTERNATIONAL MILITARY COALITION.—In the case of each foreign country whose armed forces are participating in the international military coalition confronting Iraq, a description of the forces committed in terms of personnel, units, and equipment deployed, and any information available regarding the aggregate amount of the incremental costs associated with such country's participation.

(2) CONTRIBUTIONS TO THOSE COUNTRIES SIGNIFICANTLY AFFECTED BY THE PERSIAN GULF CRISIS.—Any information available on—

(A) any additional special assistance (financial, in-kind, or host-country support) pledged as a contribution to each of those countries significantly affected by the Persian Gulf crisis; and

(B) the value and a description of the types of such assistance received by each such country.

The information provided pursuant to this paragraph shall include information on such assistance as reported to the Gulf Crisis Financial Coordination Group.

(3) CONTRIBUTIONS TO OTHER MILITARY FORCES.—The value and nature of any assistance (financial, in-kind, or host-country support) made to each foreign country referred to in paragraph (1), other than the United States, to defray costs of military operations conducted by the armed forces of such foreign country in connection with Operation Desert Storm.

(4) CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—Any information available on the value and nature of contributions pledged—

(A) to any United Nations organization,

(B) to the International Committee of the Red Cross, and

(C) to the extent the Secretary of State considers appropriate, to other international or nongovernmental organizations,

for the purpose of dealing with consequences of the Persian Gulf crisis (including contributions for such purposes as furnishing humanitarian assistance for displaced persons or furnishing assistance for responding to oil spills), and the value and nature of such contributions received by each such organization.

(5) OTHER FORMS OF CONTRIBUTIONS.—A description of international agreements entered into by the United States as a result of the Persian Gulf crisis, and a description of prepositioning rights, base or other military facilities access rights, or air transit rights granted to the United States as a result of the Persian Gulf crisis.

(6) CONTRIBUTIONS TO OTHER FOREIGN COUNTRIES.—Any information available on the types of any additional assistance (financial, in-kind, or host-country support) pledged and received as a contribution to other foreign countries as a result of the Persian Gulf crisis.

(7) CUMULATIVE TOTALS.—Each report submitted pursuant to subsection (c) shall include cumulative totals for, and any information available on the aggregate value of, the contributions that have been pledged, and the contributions that have been paid or otherwise delivered, by each foreign country as of the end of the calendar quarter covered by that report.

(c) SUBMISSION OF REPORTS.—

(1) TIME FOR SUBMISSION, PERIOD COVERED.—(A) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than 30 days after the date of the enactment of this Act with respect to the contributions pledged and the contributions paid or otherwise delivered during the period beginning on August 1, 1990, and ending on December 31, 1990.

(B) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than 30 days after the date of the enactment of this Act with respect to the contributions pledged and the contributions paid or otherwise delivered

during the period beginning on January 1, 1991, and ending on March 31, 1991.

(C) Subsequent reports prepared pursuant to subsection (a) shall be submitted to the Congress not later than the 15th day after the end of each calendar quarter in 1991 with respect to the contributions pledged and the contributions paid or otherwise delivered during that calendar quarter.

(D) A final report shall be submitted to the Congress not later than November 15, 1992, and shall contain a summary of all information relating to the contributions pledged and the contributions paid or otherwise delivered that was included in reports submitted under this paragraph.

(d) DEFINITIONS.—In this section:

(1) The term “countries significantly affected by the Persian Gulf crisis” means Egypt, Jordan, Turkey, and Israel, and any other country whose economy the President determines is significantly affected by the Persian Gulf crisis.

(2) The term “Persian Gulf crisis” means the military conflict, the United Nations Security Council embargo against Iraq, and other consequences associated with Iraq’s invasion and occupation of Kuwait and its failure to comply with the resolutions of the Security Council.

(3) The term “Gulf Crisis Financial Coordination Group” means the organization established by the President on September 25, 1990 for coordinating economic assistance in response to the Persian Gulf crisis.

SEC. 403. FORM OF REPORTS

The reports required to be submitted to the Congress pursuant to this title shall be submitted in unclassified form to the extent practicable, with a classified annex if necessary.

TITLE V—REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT

SEC. 501. DEPARTMENT OF DEFENSE REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT

(a) REPORT REQUIRED.—Not later than January 15, 1992, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of the hostilities in the Persian Gulf theater of operations. The Secretary shall submit to such committees a preliminary report on the conduct of those hostilities not later than July 1, 1991. The report (including the preliminary report) shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff and the Commander in Chief, United States Central Command.

(b) DISCUSSION OF ACCOMPLISHMENTS AND SHORTCOMINGS.—The report (and the preliminary report, to the extent feasible) shall contain a discussion, with a particular emphasis on accomplishments and shortcomings, of the following matters:

(1) The military objectives of the multinational coalition.

(2) The military strategy of the multinational coalition to achieve those military objectives and how the military strategy contributed to the achievement of those objectives.

(3) The deployment of United States forces and the transportation of supplies to the theater of operations, including an

assessment of airlift, sealift, afloat prepositioning ships, and Maritime Prepositioning Squadron ships.

(4) The conduct of military operations.

(5) The use of special operations forces, including operational and intelligence uses classified under special access procedures.

(6) The employment and performance of United States military equipment, weapon systems, and munitions (including items classified under special access procedures) and an analysis of—

(A) any equipment or capabilities that were in research and development and if available could have been used in the theater of operations; and

(B) any equipment or capabilities that were available and could have been used but were not introduced into the theater of operations.

(7) The scope of logistics support, including support from other nations, with particular emphasis on medical support provided in the theater of operations.

(8) The acquisition policy actions taken to support the forces in the theater of operations.

(9) The personnel management actions taken to support the forces in the theater of operations.

(10) The role of women in the theater of operations.

(11) The effectiveness of reserve component forces, including a discussion of each of the following matters:

(A) The readiness and activation of such forces.

(B) The decisionmaking process regarding both activation of reserve component forces and deployment of those forces to the theater of operations.

(C) The post-activation training received by such forces.

(D) The integration of forces and equipment of reserve component forces into the active component forces.

(E) The use and performance of the reserve component forces in operations in the theater of operations.

(F) The use and performance of such forces at duty stations outside the theater of operations.

(12) The role of the law of armed conflict in the planning and execution of military operations by United States forces and the other coalition forces and the effects on operations of Iraqi compliance or noncompliance with the law of armed conflict, including a discussion regarding each of the following matters:

(A) Taking of hostages.

(B) Treatment of civilians in occupied territory.

(C) Collateral damage and civilian casualties.

(D) Treatment of prisoners of war.

(E) Repatriation of prisoners of war.

(F) Use of ruses and acts of perfidy.

(G) War crimes.

(H) Environmental terrorism.

(I) Conduct of neutral nations.

(13) The actions taken by the coalition forces in anticipation of, and in response to, Iraqi acts of environmental terrorism.

(14) The contributions of United States and coalition intelligence and counterintelligence systems and personnel, including contributions regarding bomb damage assessments and particularly including United States tactical intelligence and related activities (TIARA) programs.

(15) Command, control, communications, and operational security of the coalition forces as a whole, and command, control, communications, and operational security of the United States forces.

(16) The rules of engagement for the coalition forces.

(17) The actions taken to reduce the casualties among coalition forces caused by the fire of such forces.

(18) The role of supporting combatant commands and Defense Agencies of the Department of Defense.

(19) The policies and procedures relating to the media, including the use of media pools.

(20) The assignment of roles and missions to the United States forces and other coalition forces and the performance of those forces in carrying out their assigned roles and missions.

(21) The preparedness, including doctrine and training, of the United States forces.

(22) The acquisition of foreign military technology from Iraq, and any compromise of military technology of the United States or other countries in the multinational coalition.

(23) The problems posed by Iraqi possession and use of equipment produced in the United States and other coalition nations.

(24) The use of deception by Iraqi forces and by coalition forces.

(25) The military criteria used to determine when to progress from one phase of military operations to another phase of military operations, including transition from air superiority operations to operations focused on degrading Iraqi forces, transition to large-scale ground offensive operations, and transition to cessation of hostilities.

(26) The effects on the conduct of United States military operations resulting from the implementation of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

(c) CASUALTY STATISTICS.—The report (and the preliminary report, to the extent feasible) shall also contain (1) the number of military and civilian casualties sustained by coalition nations, and (2) estimates of such casualties sustained by Iraq and by nations not directly participating in the hostilities in the Persian Gulf area during the Persian Gulf Conflict.

(d) CLASSIFICATION OF REPORTS.—The Secretary of Defense shall submit both the report and the preliminary report in a classified form and an unclassified form.

TITLE VI—GENERAL PROVISIONS

SEC. 601. CHILD CARE ASSISTANCE

10 USC 113
note.

(a) IN GENERAL.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during the Persian Gulf conflict in order to ensure that the children of such families obtain needed child care services. The assistance authorized by this section should be directed primarily toward providing needed child care services for children of such personnel who are serving in the Persian Gulf area or who have been otherwise deployed, assigned, or ordered to active duty in connection with Operation Desert Storm.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated from the Defense Cooperation Account

for fiscal year 1991 under section 101(a), \$20,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs associated with Operation Desert Storm.

(c) **SUPPLEMENTATION OF OTHER PUBLIC FUNDS.**—Funds appropriated pursuant to subsection (b) that are made available to carry out this section may be used only to supplement, and not to supplant, the amount of any other Federal, State, or local government funds otherwise expended or authorized for the support of child care programs for members of the Armed Forces.

10 USC 113
note.

SEC. 602. FAMILY EDUCATION AND SUPPORT SERVICES

(a) **IN GENERAL.**—The Secretary of Defense may provide assistance in accordance with this section to families of members of the Armed Forces serving on active duty in order to ensure that those families receive educational assistance and family support services necessary to meet needs arising out of Operation Desert Storm.

(b) **TYPES OF ASSISTANCE.**—The assistance authorized by this section may be provided to families directly or through the awarding of grants, contracts, or other forms of financial assistance to appropriate private or public entities.

(c) **GEOGRAPHIC AREAS ASSISTED.**—(1) Such assistance shall be provided primarily in geographic areas—

(A) in which a substantial number of members of the active components of the Armed Forces of the United States are permanently assigned and from which a significant number of such members are being deployed, or have been deployed, in connection with Operation Desert Storm; or

(B) from which a significant number of members of the reserve components of the Armed Forces ordered to, or retained on, active duty pursuant to section 672(a), 672(d), 673, 673b, or 688 of title 10, United States Code, are being deployed, or have been deployed, in connection with Operation Desert Storm.

(2) The Secretary of Defense shall determine which areas meet the criteria set out in paragraph (1).

(d) **EDUCATIONAL ASSISTANCE.**—Educational assistance authorized by this section may be used for the furnishing of one or more of the following forms of assistance:

(1) Individual or group counseling for children and other members of the families of members of the Armed Forces of the United States who have been deployed in connection with, or are casualties of, Operation Desert Storm.

(2) Training and technical assistance to better prepare teachers and other school employees to address questions and concerns of children of such members of the Armed Forces.

(3) Other appropriate programs, services, and information designed to address the special needs of children and other members of the families of members of the Armed Forces referred to in paragraph (1) resulting from the deployment, the return from deployment, or the medical or rehabilitation needs of such members.

(e) **FAMILY SUPPORT ASSISTANCE.**—Family support assistance authorized by this section may be used for the following purposes:

(1) Family crisis intervention.

(2) Family counseling.

(3) Family support groups.

(4) Expenses for volunteer activities.

- (5) Respite care.
- (6) Housing protection and advocacy.
- (7) Food assistance.
- (8) Employment assistance.
- (9) Child care.
- (10) Benefits eligibility determination services.
- (11) Transportation assistance.
- (12) Adult day care for dependent elderly and disabled adults.
- (13) Temporary housing assistance for immediate family members visiting soldiers wounded during Operation Desert Storm and receiving medical treatment at military hospitals and facilities in the United States.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated from the Defense Cooperation Account for fiscal year 1991 under section 101(a), \$30,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs of Operation Desert Storm.

SEC. 603. LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA

(a) **CONVEYANCE AUTHORIZED.**—Not later than one year after the date of the enactment of this Act, subject to subsections (b) through (g), the Secretary of the Army shall convey, without consideration, to Caroline County, Virginia, or the Commonwealth of Virginia (hereinafter in this section referred to as the “Commonwealth”), as appropriate, all right, title, and interest of the United States in and to a parcel of land located at Fort A.P. Hill, Virginia, and consisting of approximately 150 acres.

(b) **IDENTIFICATION OF PROPERTY.**—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary shall, after consultation with appropriate representatives of Caroline County, Virginia, and the Commonwealth, identify the exact size and location of the parcel of land to be conveyed pursuant to this section. The Secretary shall, to the maximum extent practicable, identify a parcel of land that—

(A) has soil and topographical conditions suitable for the construction of a low- to mid-rise institutional correctional facility, including recreation, parking, and other necessary support facilities; and

(B) is situated within reasonably close proximity to an existing sewer system.

(2) The cost of any new or expanded sewer system or utilities shall not be the responsibility of the Department of Defense or Caroline County.

(c) **CONVEYANCE OF PROPERTY.**—(1) Except as provided in paragraph (2), the parcel of land conveyed pursuant to this section shall be conveyed to the Commonwealth and shall be subject to the conditions and limitations on its use as provided in Chapter 3, Article 3.1 of Title 53.1, Code of Virginia.

(2) The Secretary shall convey the parcel of land to Caroline County, Virginia, instead of the Commonwealth, if, within one year after the date of the enactment of this Act, the Secretary receives the written agreement of the participating political subdivisions of the Commonwealth named in paragraph (3) to take, under the laws of the Commonwealth, the following actions:

(A) Establish a governmental entity to construct and operate on such parcel of land a regional correctional facility.

(B) Ensure that such governmental entity constructs and operates such facility.

(3)(A) In order for the agreement referred to in paragraph (2) to be effective for the purposes of such paragraph, it shall be agreed to by Caroline County, Virginia, and at least three of the following political subdivisions of the Commonwealth:

- (i) Arlington County.
- (ii) Fairfax County.
- (iii) Prince William County.
- (iv) Stafford County.
- (v) The City of Alexandria.

(B) Subparagraph (A) shall not be construed to prohibit any political subdivision not named in such subparagraph to participate in the written agreement referred to in paragraph (2).

(d) **USE OF PROPERTY; REVERSION.**—(1)(A) A conveyance of land to Caroline County, Virginia, pursuant to this section shall be subject to the conditions that—

(i) construction of a regional correctional facility pursuant to the agreement referred to in subsection (c)(2) commence not later than 24 months after the date of the enactment of this Act;

(ii) such construction be completed and the operation of such facility commence not later than five years after such date; and

(iii) such parcel of land be used only for the construction and operation of such facility.

(B) If the parcel of land conveyed pursuant to this section is conveyed to Caroline County, Virginia, and the entity established pursuant to the agreement referred to in subsection (c)(2) fails to construct and operate a regional correctional facility in accordance with the conditions set out in subparagraph (A), all right, title, and interest in and to such parcel of land (together with the improvements thereon) shall revert to the United States.

(C) In the event of a reversion under subparagraph (B), the Secretary shall promptly convey all right, title, and interest of the United States in the parcel of land referred to in such subparagraph to the Commonwealth, subject to the applicable provisions of paragraph (2) and subsections (e) through (g).

(2)(A) A conveyance of a parcel of land to the Commonwealth pursuant to this section, shall be subject to the conditions that—

(i) an entity be established under the laws of the Commonwealth for the construction and operation of a regional correctional facility on such parcel of land;

(ii) construction of such facility on such parcel of land be completed and the operation of such facility commence not later than seven years after the date of the enactment of this Act;

(iii) such parcel of land be used only for the purpose of construction and operation of such facility;

(iv) Arlington County, Fairfax County, the City of Alexandria, Prince William County, Stafford County, and Caroline County, Virginia, be offered the opportunity for participation in such entity; and

(v) no fee be charged by the Commonwealth for the conveyance to, lease by, or use of such parcel of land by such entity.

(B) If the parcel of land to be conveyed pursuant to this section is conveyed to the Commonwealth and the conditions referred to in subparagraph (A) are not complied with (as determined by the

Secretary), all right, title, and interest in and to such land (together with the improvements thereon) shall revert to the United States and the United States shall have the right of immediate entry thereon.

(e) **PROHIBITION ON HOUSING CERTAIN PRISONERS.**—Except when agreed to in writing by an appropriate representative of Caroline County, Virginia, the regional correctional facility constructed and operated in accordance with this section—

(1) shall have a maximum capacity of not more than 2,400 inmates; and

(2) may not be used to house Federal prisoners or prisoners convicted by, sentenced by, or awaiting trial in the courts of the District of Columbia.

(f) **TIME LIMITATION.**—The period of any litigation relating to the conveyance or improvement of land under this section shall not be included in a determination of the period for conveyance or improvement, or for the reverter of or right of re-entry onto such land.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance pursuant to this section as the Secretary, in his sole discretion, shall determine appropriate to protect the interests of the United States.

(h) **REPEAL.**—Section 2839 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1801) is repealed.

SEC. 604. GRASSROOTS EFFORTS TO SUPPORT OUR TROOPS

(a) **FINDINGS.**—The Congress finds the following:

(1) Over 400,000 American servicemen and women risked their lives in defending the interests and principles of the United States in the Persian Gulf region.

(2) These American servicemen and women performed with remarkable success against Iraq and its military-industrial complex.

(3) All Americans should take great pride in the manner in which our brave servicemen and women represented our Nation in the Persian Gulf region.

(4) All Americans eagerly await the safe return of our courageous sons and daughters who served in the Persian Gulf region.

(b) **GRASSROOTS SUPPORT.**—The Congress—

(1) supports and endorses national, State, and local grassroots efforts to support our servicemen and women who participated in Operation Desert Storm and their families here at home;

(2) encourages Federal agencies (in accordance with applicable law), State and local governments, and private businesses and industry to organize task forces intended to provide support for the families of servicemen and women deployed in the Persian Gulf region and to organize celebrations for the servicemen and women upon their arrival home; and

(3) encourages those grassroots government, business, and industry efforts to include Vietnam Veteran organizations in all activities conducted for the benefit of the troops returning home from Operation Desert Storm.

Reports.
5 USC app. 101.

SEC. 605. EXTENSION OF TIME FOR FILING FOR PERSONS SERVING IN COMBAT ZONE

2 USC 701.

(a) **IN GENERAL.**—Section 101(g) of the Ethics in Government Act of 1978 is amended—

(1) by inserting “(1)” after “(g)”; and

(2) by adding at the end the following:

“(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—

“(i) the last day of the individual’s service in such area during such designated period; or

“(ii) the last day of the individual’s hospitalization as a result of injury received or disease contracted while serving in such area.

“(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.”.

5 USC app. 101
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to reports required to be filed after January 17, 1991.

SEC. 606. SENSE OF CONGRESS CONCERNING BUSINESSES SEEKING TO PARTICIPATE IN THE REBUILDING OF KUWAIT

(a) **FINDINGS.**—The Congress finds as follows:

(1) The Armed Forces of the United States, together with allied forces, have successfully liberated Kuwait and have restored the independence of that nation.

(2) During the occupation of Kuwait by Iraq, much damage was done to the infrastructure, environment, and industrial capacity of Kuwait, and rebuilding of Kuwait is desperately needed.

(3) The principal test of a nation’s commitment to the liberation of Kuwait in the Persian Gulf conflict was its willingness to provide military forces for the liberation of Kuwait.

(4) United States firms, including small and minority-owned businesses, have expressed a significant interest in participating in the rebuilding of Kuwait.

(5) Small and minority-owned businesses face inherent difficulties in competing in foreign markets and in obtaining a share of contracts from foreign governments, particularly those contracts that are performed in distant parts of the world.

(b) **SENSE OF CONGRESS CONCERNING SOURCE SELECTION FOR KUWAIT CONTRACTS.**—It is the sense of Congress that the Army Corps of Engineers and other Federal agencies should award contracts for the rebuilding of Kuwait, and, in recommending business firms to the Government of Kuwait for the award by it of such contracts, should encourage the Government of Kuwait to award such contracts, in accordance with the following priority:

(1) First, to United States firms, including small and minority-owned businesses, that are committed to employing United States workers under the contract.

(2) Second, to other United States firms.

(3) Then, to firms from allied nations that committed military forces to the liberation of Kuwait during the Persian Gulf conflict.

(c) **SENSE OF CONGRESS CONCERNING SELECTION OF SUBCONTRACTORS FOR KUWAIT CONTRACTS.**—It is the sense of Congress that, when making recommendations to any contractor awarded a contract referred to in subsection (b) concerning the selection of firms for subcontracts under such contract, the Army Corps of Engineers shall encourage the contractor to select a firm or firms for the subcontract in accordance with the priority set out in subsection (b).

(d) **SENSE OF CONGRESS CONCERNING EMPLOYEES UNDER KUWAIT REBUILDING CONTRACTS.**—It is the sense of Congress that any United States firm that receives a contract pertaining to the rebuilding of Kuwait—

(1) should employ United States citizens to carry out the contract; and

(2) should provide a preference to veterans of the Armed Forces in hiring for work on the contract.

(e) **SENSE OF CONGRESS CONCERNING SMALL AND MINORITY-OWNED BUSINESS PARTICIPATION IN KUWAIT REBUILDING CONTRACTS.**—It is the sense of Congress that—

(1) the President, acting through the appropriate Government agencies (including particularly the agencies that will be engaged in source selections or source recommendations as described in subsection (b)), should take steps to provide assistance to United States small and minority-owned businesses seeking to be awarded contracts as part of the rebuilding of Kuwait;

(2) the Administrator of the Small Business Administration and other appropriate Federal officials should conduct a public information campaign to advise small and minority-owned business firms with respect to contracts for the rebuilding of Kuwait; and

(3) United States firms that are awarded contracts pertaining to the rebuilding of Kuwait should, to the maximum extent practicable, seek to award subcontracts for such contracts to United States small and minority-owned business firms.

(f) **PROGRESS REPORTS.**—(1) The President shall submit to Congress a report every four months with respect to contracting for the rebuilding of Kuwait. Each such report shall show, as of the submission of the report, the country of origin of all business firms awarded Kuwait rebuilding contracts by the Corps of Engineers and other Federal agencies and the country of origin of all business firms awarded subcontracts under such contracts and the other information specified in paragraphs (2) and (3).

President.
Reports.

(2) The President shall include in each such report the same information (to the extent reasonably available) with regard to all business firms awarded Kuwait rebuilding contracts by the Government of Kuwait and all business firms that are subcontractors under those contracts. The President shall request the Government of Kuwait to provide to the United States, on an ongoing basis, information with respect to the country of origin of business firms to which it awards rebuilding contracts, the country of origin of firms awarded subcontracts under those contracts, and the information with respect to those contracts and subcontracts described in paragraph (3).

(3)(A) Information in reports under paragraph (1) shall be shown by the number of firms from each such country and by the dollar

value of contracts and subcontracts awarded to firms from each such country.

(B) Each such report shall also show (to the extent reasonably available) the number and percentage of contractors that are small businesses, and the number and percentage that are minority-owned businesses, among the total number of contracts awarded to United States. Each such report shall also show (to the extent reasonably available), with respect to each contract awarded to a United States firm, the number and percentage of persons employed (or expected to be employed) under the contract who are United States citizens, the number and percentage of all persons so employed (or expected to be so employed) who are United States citizens and are veterans, and the number of subcontractors under the contract that are small businesses and the number that are minority-owned businesses.

(4) The first report under paragraph (1) shall be submitted not later than two months after the date of the enactment of this Act. The last such report shall be submitted 36 months after the first report.

Saddam
Hussein.

SEC. 607. SENSE OF CONGRESS REGARDING USE OF UNITED STATES FUNDS FOR REBUILDING IRAQ

It is the sense of Congress that none of the funds appropriated or otherwise made available by any provision of law may be obligated or expended, directly or indirectly, for the purpose of rebuilding Iraq while Saddam Hussein remains in power in Iraq.

10 USC 113
note.

SEC. 608. WITHHOLDING OF PAYMENTS TO INDIRECT-HIRE CIVILIAN PERSONNEL OF NONPAYING PLEDGING NATIONS

(a) **GENERAL RULE.**—Effective as of the end of the six-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall withhold payments to any nonpaying pledging nation that would otherwise be paid as reimbursements for expenses of indirect-hire civilian personnel of the Department of Defense in that nation.

(b) **NONPAYING PLEDGING NATION DEFINED.**—For purposes of this section, the term “nonpaying pledging nation” means a foreign nation that has pledged to the United States that it will make contributions to assist the United States in defraying the incremental costs of Operation Desert Shield and which has not paid to the United States the full amount so pledged.

(c) **RELEASE OF WITHHELD AMOUNTS.**—When a nation affected by subsection (a) has paid to the United States the full amount pledged, the Secretary of Defense shall release the amounts withheld from payment pursuant to subsection (a).

(d) **WAIVER AUTHORITY.**—The Secretary of Defense may waive the requirement in subsection (a) upon certification to Congress that the waiver is required in the national security interests of the United States.

SEC. 609. RELIEF FROM REQUIREMENTS FOR REDUCTIONS IN DEFENSE ACQUISITION WORKFORCE DURING FISCAL YEAR 1991

(a) The Secretary of Defense, in allocating to various installations and facilities the defense acquisition workforce reductions required for fiscal year 1991, should use the considerable flexibility concerning the manner in which those reductions are to be made that was provided to the Secretary by section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104

Stat. 1621) in order to respond properly and efficiently to the influx of work expected to come into the defense acquisition system resulting from Operation Desert Storm.

(b) The Secretary should allocate those reductions for fiscal year 1991 in a manner that ensures that any Department of Defense installation or facility that will experience a significant increase in workload during fiscal year 1991 (compared to its workload during fiscal year 1990) as a direct result of activities undertaken in support of Operation Desert Storm is not required to make defense acquisition workforce reductions during fiscal year 1991 that would adversely affect the ability of that installation or facility to perform its mission.

(c) For purposes of this section, the term "defense acquisition workforce reductions" means the reductions in the defense acquisition workforce required by section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1621).

TITLE VII—MISCELLANEOUS TECHNICAL AMENDMENTS

SEC. 701. AMENDMENTS TO TITLE 10, UNITED STATES CODE

(a) CLARIFICATION OF WAIVER AUTHORITY.—Section 2331(c)(1) of title 10, United States Code, as added by section 834(a) of Public Law 101-510 (104 Stat. 1613), is amended—

(1) by striking out "on a case-by-case basis";

(2) by striking out "considers necessary the use of master agreements" and inserting in lieu thereof "considers the use of master agreements necessary"; and

(3) by striking out "of this section" before the period at the end.

(b) CLARIFICATION OF TRUTH-IN-NEGOTIATION ACT AMENDMENTS.—Section 2306a(a)(1) of title 10, United States Code, as amended by section 803(a) of Public Law 101-510 (104 Stat. 1589), is amended—

(1) in subparagraph (B), by striking out "\$500,000" and all that follows through "\$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to that contract";

(2) in subparagraph (C)(i), by striking out "\$500,000" and all that follows through "\$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to the prime contract of that subcontract"; and

(3) in subparagraph (D), by striking out "\$500,000" and all that follows through "\$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to the prime contract of that subcontract".

(c) CLARIFICATION OF IR&D AMENDMENTS.—Section 2372(d)(2)(B) of title 10, United States Code, as added by section 824(a)(1) of Public Law 101-510 (104 Stat. 1603), is amended by striking out "or" after "subsection (b)" and inserting in lieu thereof "including".

(d) DEFINITION OF SMALL PURCHASE THRESHOLD.—Title 10, United States Code, is amended as follows:

(1) Section 2302 is amended by adding at the end the following new paragraph:

"(7) The term 'small purchase threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))."

(2) Section 2304 is amended—

(A) in subsection (g)—

(i) by striking out “chapter” in paragraph (2) and inserting in lieu thereof “subsection”; and

(ii) by striking out paragraph (5), as added by section 806(b)(3) of Public Law 101-510; and

(B) in subsection (j)(3)(A), by striking out “\$25,000” and inserting in lieu thereof “the small purchase threshold”.

(3) Section 2306(e)(2)(A) is amended by striking out “the small purchase amount under section 2304(g) of this title” and inserting in lieu thereof “the small purchase threshold”.

(4) Section 2307(d)(3) is amended by striking out “contracts for amounts less than the maximum amount for small purchases specified in section 2304(g)(2) of this title” and inserting in lieu thereof “any contract for an amount not in excess of the amount of the small purchase threshold”.

(5) Section 2326(g)(1)(B) is amended by striking out “of less than \$25,000” and inserting in lieu thereof “in an amount not in excess of the amount of the small purchase threshold”.

(6) Section 2397(a)(1) is amended—

(A) by striking out “awarded”; and

(B) by striking out “involves at least \$25,000” and inserting in lieu thereof “is in an amount in excess of the small purchase threshold (as defined in section 2302(7) of this title), as in effect at the time that contract is awarded”.

(e) TABLES OF CHAPTERS AND SECTIONS.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by inserting after the item relating to chapter 83 the following new item:

“85. Procurement Management Personnel..... 1621”.

(2) The items relating to chapter 108 in the tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, are amended to read as follows:

“108. Department of Defense Schools 2161”.

(3) The table of sections at the beginning of chapter 39 is amended by transferring the item relating to section 687, as added by section 559(a)(2) of Public Law 101-510 (104 Stat. 1571), to appear after the item relating to section 689 and redesignating that item so as to relate to section 690.

(4) The item relating to section 1584 in the table of sections at the beginning of chapter 81 is amended to read as follows:

“1584. Employment of non-citizens.”.

(5) The table of sections at the beginning of chapter 139 is amended by inserting a period at the end of the item relating to section 2366.

(6) The item relating to section 2706 in the table of sections at the beginning of chapter 160 is amended to read as follows:

“2706. Annual reports to Congress.”.

(7) The item relating to section 6082 in the table of sections at the beginning of chapter 557 is amended to read as follows:

“6082. Rations.”

(8)(A) The headings of sections 1053 and 1594 are amended by striking out “mandatory”.

(B) The item relating to section 1053 in the table of sections at the beginning of chapter 53, and the item relating to section 1594 in the table of sections at the beginning of chapter 81, are amended by striking out “mandatory”.

(f) CROSS-REFERENCE CORRECTIONS.—Title 10, United States Code, is amended as follows:

(1) Section 2318(c) is amended by striking out “section 21” and inserting in lieu thereof “section 23”.

(2) Section 2344(c) is amended by striking out “chapter” and inserting in lieu thereof “subchapter”.

(3) Paragraph (5) of section 2432(c), as added by section 1407(c) of Public Law 101-510 (104 Stat. 1681), is amended by striking out “section 2432(a)” and all that follows through “subsection (a)(2),” and inserting in lieu thereof “subsection (a)”.

(4) Section 2503(3) is amended by striking out “as defined in section 4(4) of the Office of Federal Procurement Policy Act” and inserting in lieu thereof “issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))”.

(5) Section 4343 is amended by striking out “clauses (2)–(9)” and inserting in lieu thereof “clauses (2) through (8)”.

(6) Section 2132(d) is amended by striking out “section 115(b)(1)(A)(ii)” and inserting in lieu thereof “section 115(a)(1)(B)”.

(7) Section 2414(b) is amended by striking out “section 2411(a)(1)(D)” and inserting in lieu thereof “section 2411(1)(D)”.

(8) Section 2306a(e)(1)(A)(i) is amended by striking out “Internal Revenue Code of 1954” and inserting in lieu thereof “Internal Revenue Code of 1986”.

(g) U.S.C. REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 2368(a) is amended by inserting “(42 U.S.C. 6683)” before the period at the end.

(2) Sections 2394a(c)(2) and 2857(c)(2) are amended by inserting “(42 U.S.C. 8254(a))” after “section 544(a) of the National Energy Conservation Policy Act”.

(3) Section 2508(a)(2) is amended by inserting “(42 U.S.C. 6681 et seq.)” before the period at the end.

(h) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1595(c) is amended by striking out “after the end of the 90-day period beginning on the date of the enactment of this section” and inserting in lieu thereof “after February 27, 1990”.

(2) Section 2903(d)(2) is amended by striking out “two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991” and inserting in lieu thereof “on November 5, 1992”.

(i) DEFINITIONS.—Title 10, United States Code, is amended as follows:

(1) Section 645 is amended—

(A) by inserting “The term” in paragraphs (1), (2), and (3) after the paragraph designation; and

(B) by revising the first word after the open quotation marks in each of such paragraphs so that the initial letter of such word is lower case.

(2) Section 2196, as added by section 247(a) of Public Law 101-510 (104 Stat. 1523), is amended by inserting “the term” after “In this chapter,”.

(j) OTHER AMENDMENTS.—

(1) Section 1721(c) of title 10, United States Code, as added by section 1202 of the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510), is amended by striking out “Activities, dated” in the last sentence and inserting in lieu thereof “Activities, dated”.

(2)(A) Subsection (f) of section 2307 of title 10, United States Code, as added by section 836(a) of Public Law 101-510 (104 Stat. 1615), is redesignated as subsection (e).

(B) Section 836(c) of Public Law 101-510 (104 Stat. 1616) is amended to read as follows:

“(c) EFFECTIVE DATE.—The provisions of section 2307 of title 10, United States Code, that are added by the amendments made by subsections (a) and (b) shall apply with respect to contracts entered into on or after May 6, 1991.”

(3) Section 2391(b)(3) of title 10, United States Code, as added by section 4102(b)(3) of Public Law 101-510 (104 Stat. 1851), is amended—

(A) by striking out “publicly-announced” and inserting in lieu thereof “publicly announced”; and

(B) by inserting a comma after “only if the reduction”.

(4) Section 2409a(c) of title 10, United States Code, as added by section 837(a) of Public Law 101-510 (104 Stat. 1616), is amended—

(A) by aligning that part of paragraph (5) preceding subparagraph (A) so as to be indented two ems;

(B) by aligning subparagraphs (A), (B), and (C) of paragraph (5) so as to be indented four ems; and

(C) by aligning paragraph (6) so as to be indented two ems.

(5) Section 2411(1)(D) of title 10, United States Code, is amended by striking out “for-profit and nonprofit” and inserting in lieu thereof “for profit purposes or nonprofit”.

(6) Sections 3446 and 8446 of title 10, United States Code, are amended by striking out “as” before “provided by law”.

(7) Section 6223(b) of title 10, United States Code, is amended by striking out “MARINE CORPS BANDS” and inserting in lieu thereof “THE UNITED STATES MARINE CORPS BAND”.

(8) Section 1095(a)(1) of title 10, United States Code, is amended by inserting “a” before “covered beneficiary”.

(9) Section 2822(b) of title 10, United States Code, is amended by realigning paragraph (4) so as to be indented two ems.

(10) Section 2704(f) of title 10, United States Code, is amended by striking out “Agency of Toxic” and inserting in lieu thereof “Agency for Toxic”.

(k) EFFECTIVE DATE CLARIFICATION.—

(1) Section 2409 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) EFFECTIVE DATE.—This section shall not be in effect during the period when section 2409a of this title is in effect.”

(2) Section 2409a of such title, as added by section 837(a) of Public Law 101-510 (104 Stat. 1616), is amended by adding at the end the following new subsection:

“(f) EXPIRATION OF SECTION.—This section shall cease to be in effect on November 5, 1994.”

(3) Section 837(b) of Public Law 101-510 (104 Stat. 1619) is amended by striking out the second sentence.

10 USC 2409a
note.

SEC. 702. AMENDMENTS TO TITLE 37, UNITED STATES CODE

(a) TABLES OF SECTIONS.—Title 37, United States Code, is amended as follows:

(1) The item relating to section 301d in the table of sections at the beginning of chapter 5 is amended by striking out “Retention” and inserting in lieu thereof “Multiyear retention”.

(2)(A) The heading of section 302c is amended to read as follows:

“§ 302c. Special pay: psychologists and nonphysician health care providers”.

(B) The heading of section 302e is amended to read as follows:

“§ 302e. Special pay: nurse anesthetists”.

(b) STYLISTIC AMENDMENTS.—Title 37, United States Code, is amended—

(1) by striking out “of this section” each place it appears (other than as provided in subsection (c));

(2) by striking out “of this subsection” each place it appears (other than in sections 305a(d)(3), 431(a), and 501(f));

(3) by striking out “of this paragraph” each place it appears (other than in section 301(c)(2)(B)); and

(4) by striking out “of this subparagraph” in section 558(c)(3)(A)(i).

(c) EXCEPTIONS.—Subsection (b)(1) does not apply to the following provisions of title 37, United States Code:

(1) Section 204(d).

(2) Section 302(g).

(3) Section 302b(g).

(4) Section 305a(d)(2).

(5) Section 308e(b)(3).

(6) Section 312(e).

(7) Section 312a(e).

(8) Section 312b(c).

(9) Section 312c(d).

(10) Section 314(a)(2).

(11) Section 314(a)(3).

(12) Section 401.

(13) Section 402(e)(1), the first place “of this section” appears.

(14) Section 403(j)(1).

(15) Section 403(k).

(16) Section 403a(c)(4).

(17) Section 403a(e)(1).

(18) Section 404a(b), the second place “of this section” appears.

(19) Section 405a(a).

(20) Section 406(h), the third place “of this section” appears.

- (21) Section 406(m).
- (22) Section 407(e).
- (23) Section 411c(a).
- (24) Section 552(d).
- (25) Section 907(c), the first place "of this section" appears.
- (26) Section 1011(b).

SEC. 703. AMENDMENTS TO TITLE 32, UNITED STATES CODE

Section 112(c)(2) of title 32, United States Code, is amended by striking out "in consultation with—" and all that follows and inserting in lieu thereof "in consultation with the Director of National Drug Control Policy."

SEC. 704. AMENDMENTS TO PUBLIC LAW 101-510

(a) **GENERAL AMENDMENTS.**—The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended as follows:

(1) Section 217(d)(1) (104 Stat. 1511) is amended by striking out "amounts of" and all that follows through "applicable" and inserting in lieu thereof "amounts of authorizations provided for the Department of Defense in this Act, subject to applicable".

22 USC 1928
note.

(2) Section 406(b) (104 Stat. 1546) is amended by striking out "Such section" and inserting in lieu thereof "Such subsection".

10 USC 690.

(3) Section 559 (104 Stat. 1571) is amended—

(A) in subsection (a), by striking out "inserting after section 686" and inserting in lieu thereof "adding at the end";

10 USC 687, 690.

(B) by redesignating as section 690 the new section to be added to title 10, United States Code, by the amendment made by subsection (a); and

10 USC 690
note.

(C) in subsection (b), by striking out "Section 687" and inserting in lieu thereof "Section 690".

10 USC 2306a
note.

(4) Section 803(a)(2) (104 Stat. 1590) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) contracts entered into after December 5, 1990;

"(B) subcontracts under contracts covered by subparagraph (A); and

"(C) modifications or changes to such contracts and subcontracts."

42 USC 6686.

(5) Section 822(g) (104 Stat. 1600) is amended—

(A) in paragraph (1)—

(i) by striking out "available for the Department of Defense" and inserting in lieu thereof "appropriated pursuant to this Act"; and

(ii) by striking out "in the first fiscal year in which the Institute begins operations"; and

(B) in paragraph (2), by striking out "for each fiscal year after the fiscal year referred to in paragraph (1)".

10 USC 2301
note.

(6) Section 832 (104 Stat. 1612) is amended by inserting "of subsection (a)" in paragraph (2) after "by adding at the end".

10 USC 3074
note.

(7) Section 903(b)(1) (104 Stat. 1620) is amended by striking out "all forces" and all that follows through "Army Reserve Command" and inserting in lieu thereof "to the Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combat-

ant command for special operations forces established pursuant to section 167 of title 10, United States Code”.

(8) Section 1407(d) (104 Stat. 1681) is amended by striking out “section 2342” and inserting in lieu thereof “section 2432”. 10 USC 2432 note.

(9) Section 1451(b)(2) (104 Stat. 1693) is amended by inserting “of subchapter II” after “at the beginning”. 10 USC prec. 2350a.

(b) ACQUISITION WORKFORCE ACT AMENDMENTS.—The Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510) is amended as follows:

(1) Section 1202(a) (104 Stat. 1638) is amended by striking out “the following new section” and inserting in lieu thereof “the following new chapter”. 10 USC prec. 1701.

(2) Section 1208 (104 Stat. 1665) is amended— 10 USC 1701 note.

(A) in subsection (a)(1), by striking out “this Act” and inserting in lieu thereof “this title”;

(B) in subsection (b)(1)—

(i) by striking out “this title” and inserting in lieu thereof “title 10, United States Code (as added by section 1202)”; and

(ii) by striking out “this chapter” and inserting in lieu thereof “chapter 87 of such title (as added by section 1202)”; and

(C) in subsection (b)(2)—

(i) by striking out “this chapter” the first place it appears and inserting in lieu thereof “chapter 87 of title 10, United States Code (as added by section 1202),”; and

(ii) by striking out “this chapter” the second place it appears and inserting in lieu thereof “such chapter”.

(3) Section 1209 (104 Stat. 1666) is amended—

(A) in subsection (a)—

(i) by striking out “Effective during the three-year period beginning on the date of the enactment of this Act” and inserting in lieu thereof “Before November 6, 1993”; and

(ii) by striking out the comma after “section 1202”;

(B) in subsection (b), by inserting a comma after “(as added by section 1202)”; 10 USC 1721 note.

(C) in subsection (f), by striking out the comma after “shall include” in the last sentence; and 10 USC 1738 note.

(D) in subsection (i), by inserting a comma after “section 1732(c)(1) of such title”. 10 USC 1724 note.

(c) MENTOR-PROTEGE PROGRAM.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1607) is amended— 10 USC 2301 note.

(1) in subsection (c)(2)—

(A) by striking out “Disadvantaged small business concerns” and inserting in lieu thereof “A disadvantaged small business concern”;

(B) by striking out “one or more mentor firms” and inserting in lieu thereof “a mentor firm”;

(C) by striking out “or firms”; and

(D) by inserting after the first sentence the following new sentence: “A disadvantaged small business concern may not be a party to more than one agreement to receive such assistance at any time.”;

(2) in subsection (e)(3), by striking out “mentor firm or”; and

(3) in subsection (k)—

(A) by striking out “673(d)” and inserting in lieu thereof “637(d)”; and

(B) by striking out the period at the end of the second sentence and inserting in lieu thereof “and shall prescribe procedures by which mentor firms may terminate participation in the program.”.

42 USC 7381b. (d) DOE AMENDMENTS.—Section 3165 of Public Law 101-510 (104 Stat. 1841) is amended—

(1) in subsection (a), by redesignating subparagraphs (J), (K), (L), and (M) as paragraphs (10), (11), (12), and (13), respectively; and

(2) in subsection (b), by inserting “such” in the second sentence before “education activities”.

10 USC 690
note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

SEC. 705. OTHER TECHNICAL AMENDMENTS

Effective date.

(a) CONTINUED APPLICABILITY OF CERTAIN PROVISION.—The subsection added by the amendment made by paragraph (2) of section 814(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1498) is hereby reinstated as originally enacted, effective as of January 1, 1991.

18 USC 207.

Effective date.

(b) MISSING PARAGRAPH DESIGNATION.—Effective as of November 29, 1989, section 703(f) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1470) is amended by inserting “(1)” before “In the case of”.

37 USC 302
note.

(c) TITLE 38.—(1) Section 1418A(a)(1) of title 38, United States Code, as added by section 561(a) of Public Law 101-510, is amended by striking out “section 1142 of title 10” and inserting in lieu thereof “section 1141 of title 10”.

38 USC 3101.

(2) Section 1404(b)(2) of Public Law 101-189 (103 Stat. 1586) is amended by striking out “of subchapter I or II” in the matter in quotation marks and inserting in lieu thereof “subchapter I or II of”.

(d) CROSS-REFERENCE CORRECTIONS.—(1) Section 21(g) of the Arms Export Control Act (22 U.S.C. 2761(g)) is amended by striking out “section 1105 of the National Defense Authorization Act of fiscal year 1987” and inserting in lieu thereof “section 2350a(i)(3) of title 10, United States Code”.

(2) Section 65(d) of such Act (22 U.S.C. 2796d(d)) is amended by striking out “section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (22 U.S.C. 2767a)” and inserting in lieu thereof “section 2350a(i)(3) of title 10, United States Code”.

(e) SECTION 1207.—Subparagraph (A) of section 1207(a)(1) of Public Law 99-661 (10 U.S.C. 2301 note), as amended and redesignated by sections 811 and 832(1)(B) of Public Law 101-510 (104 Stat. 1596, 1612), is amended by inserting a close parenthesis after “637(d)”.

Effective date.

(f) PUBLIC LAW 85-804.—(1) Effective as of November 6, 1990, the first section of Public Law 85-804 (50 U.S.C. 1431) is amended by inserting “and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees” before the period at the end of the third sentence.

(2) Such section is further amended in the fourth sentence—
(A) by inserting “at the end of a Congress” after “sine die”;
and

(B) by inserting “, or because of an adjournment sine die other than at the end of a Congress,” after “to a day certain”.

(g) CAPITALIZATION CORRECTION.—Paragraph (2) of section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended by striking out “Naval” and inserting in lieu thereof “naval”.

(h) EXPENDITURES FOR UNIFORMED SERVICES TREATMENT FACILITIES.—Section 1252(f) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(f)), is amended by inserting “by the Secretary of Defense” after “expenditures”.

(i) ADDITIONAL CROSS REFERENCE CORRECTION.—Section 27(p)(8) of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by striking out “has the same meaning as” and all that follows through the end and inserting in lieu thereof the following: “has the meaning given such term by section 109(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.)”.

TITLE VIII—AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS FOR FISCAL YEAR 1991

SEC. 801. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR OPERATING EXPENSES

There is hereby authorized to be appropriated for fiscal year 1991 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) for weapons activities production and surveillance, \$283,000,000.

SEC. 802. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

There is hereby authorized to be appropriated for fiscal year 1991 for carrying out the environmental restoration and waste management programs necessary for national security programs as follows:

(1) For operating expenses:

(A) For environmental restoration, \$100,000,000.

(B) For waste operations, \$74,300,000.

(C) For waste research and development, \$30,000,000.

(2) For plant projects:

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$30,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, \$19,500,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, \$17,600,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, \$27,700,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, \$14,000,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$10,000,000.

Project 77-13-f, waste isolation pilot project, Delaware Basin, southeast New Mexico, \$16,900,000.

SEC. 803. APPLICABILITY OF RECURRING GENERAL PROVISIONS

The provisions contained in part B of title XXXI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1829) shall apply with respect to the authorizations provided in this title in the same manner as such provisions apply with respect to the authorizations provided in title XXXI of such Act.

Colorado.

SEC. 804. RELOCATION OF ROCKY FLATS PLANT OPERATIONS

(a) **RELOCATION PROGRAM.**—From funds authorized and appropriated for production and surveillance for fiscal year 1991, the Secretary of Energy shall develop a program to relocate, within 10 years after the date of the enactment of this Act, operations performed at the Rocky Flats Plant in Golden, Colorado, to a replacement facility (or facilities) on a site (or sites) where public health and safety can be assured.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the program developed under subsection (a), a plan to implement such program, and the activities to be undertaken during fiscal year 1991 pursuant to the plan.

Approved April 6, 1991.

LEGISLATIVE HISTORY—S. 725 (H.R. 1175):

HOUSE REPORTS: No. 102-16, Pt. 1, accompanying H.R. 1175 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 13, H.R. 1175 considered and passed House.

Mar. 19, considered and passed Senate, amended.

Mar. 21, S. 725 considered and passed Senate and House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Apr. 6, Presidential statement.

Public Law 102-26
102d Congress

An Act

To resolve legal and technical issues relating to Federal postsecondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes.

Apr. 9, 1991
[H.R. 1285]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Higher
Education
Technical
Amendments of
1991.
Colleges and
universities.
20 USC 1001
note.

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Higher Education Technical Amendments of 1991”.

(b) REFERENCES.—References in this Act to “the Act” are references to the Higher Education Act of 1965.

SEC. 2. ABILITY TO BENEFIT.

(a) DEFINITION OF ELIGIBLE INSTITUTION.—

(1) STAFFORD LOANS.—Section 435(c)(1) of the Act (20 U.S.C. 1085(c)(1)) is amended by striking out “and who have the ability to benefit (as determined by the institution under section 481(d)) from the training offered by such institution” and inserting in lieu thereof “or who are beyond the age of compulsory school attendance in the State in which the institution is located”.

(2) DEFINITION OF PROPRIETARY INSTITUTION OF HIGHER EDUCATION.—Section 481(b) of the Act (20 U.S.C. 1088 (b)) is amended—

(A) by striking out “and who have the ability to benefit (as determined by the institution under section 484(d)) from the training offered by the institution”; and

(B) by striking out the last sentence thereof.

(3) DEFINITION OF POSTSECONDARY VOCATIONAL INSTITUTION.—Section 481(c) of the Act (20 U.S.C. 1088(c)) is amended by striking out “and who have the ability to benefit (as determined by the institution under section 484(d)) from the training offered by the institution”.

(4) DEFINITION FOR INSTITUTIONAL AID PROGRAMS.—Section 1201(a) of the Act (20 U.S.C. 1141(a)) is amended by striking “and who meets the requirements of section 484(d) of this Act” in the third sentence.

(b) DEFINITION OF ELIGIBLE STUDENT.—Section 484(d) of the Act (20 U.S.C. 1091(d)) is amended to read as follows:

“(d) TESTING OF STUDENTS WHO ARE NOT HIGH SCHOOL GRADUATES.—In order for a student who does not have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, to be eligible for any assistance under subparts 1, 2, and 3 of part A and parts B, C, D and E of this title, the student shall pass an independently administered examination approved by the Secretary.”

(c) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL LOANS.—Section 428A(a)(1) of the Act is amended by striking the last sentence thereof and inserting “No 20 USC 1078-1.

student shall be eligible to borrow funds under this section until such student has obtained a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate.”

20 USC 1091.

(2) **STUDENT ELIGIBILITY.**—Section 484(a)(1) of the Act is amended by inserting before the semicolon at the end thereof the following: “, and not be enrolled in an elementary or secondary school”.

20 USC 1094.

(3) **PROGRAM PARTICIPATION AGREEMENTS.**—Section 487(a)(11) of the Act is amended by striking “which admits” and all that follows through “484(d),” and inserting “whose students receive financial assistance pursuant to section 484(d),”.

(d) **EFFECTIVE DATE.**—

20 USC 1078-1
note.

(1) **IN GENERAL.**—The amendments made by this section shall apply to any grant, loan, or work assistance to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1991.

20 USC 1088 and
note, 1091.

(2) **ELIMINATION OF CONFLICTING PROVISIONS.**—(A) Section 3005 of the Omnibus Budget Reconciliation Act of 1990 is repealed. Sections 484(d) and 481(b) of the Act shall be applied as if such section 3005 had not been enacted.

(B) The last proviso of the paragraph under the heading “STUDENT FINANCIAL ASSISTANCE” of title III of Public Law 101-517 (104 Stat. 2213) is repealed.

SEC. 3. ELIMINATION OF STATUTE OF LIMITATIONS FOR STUDENT LOAN COLLECTIONS.

(a) **AMENDMENT.**—Section 484A(a) of the Act (20 U.S.C. 1091a(a)) is amended to read as follows:

“(a) **IN GENERAL.**—(1) It is the purpose of this subsection to ensure that obligations to repay loans and grant overpayments are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

“(2) Notwithstanding any other provision of statute, regulation, or administrative limitation, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action initiated or taken by—

“(A) an institution that receives funds under this title that is seeking to collect a refund due from a student on a grant made, or work assistance awarded, under this title;

“(B) a guaranty agency that has an agreement with the Secretary under section 428(c) that is seeking the repayment of the amount due from a borrower on a loan made under part B of this title after such guaranty agency reimburses the previous holder of the loan for its loss on account of the default of the borrower;

“(C) an institution that has an agreement with the Secretary pursuant to section 453 or 463(a) that is seeking the repayment of the amount due from a borrower on a loan made under part D or E of this title after the default of the borrower on such loan; or

“(D) the Secretary, the Attorney General, or the administrative head of another Federal agency, as the case may be, for payment of a refund due from a student on a grant made under this title, or for the repayment of the amount due from a

borrower on a loan made under this title that has been assigned to the Secretary under this title.”

(b) **CONFORMING AMENDMENT.**—Section 16041 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) is amended—

20 USC 1071
note.

(1) by striking out subsection (e);

(2) in subsection (f), by striking out “The amendment made by section 16034” and inserting in lieu thereof “The amendments made by sections 16033 and 16034”; and

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

(c) **EFFECTIVE DATE.**—The amendments made by this section shall be effective as if enacted by the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272), and shall apply to any actions pending on or after the date of enactment of the Higher Education Technical Amendments of 1991 that are brought before November 15, 1992.

20 USC 1091a
note.

SEC. 4. OPERATION DESERT SHIELD/DESERT STORM WAIVER AUTHORITY.

Armed Forces.
20 USC 1070
note.

(a) **PURPOSE.**—It is the purpose of this section to ensure that—

(1) the men and women serving on active duty in connection with Operation Desert Shield or Operation Desert Storm who are borrowers of Stafford Loans or Perkins Loans are not placed in a worse position financially in relation to those loans because of such service;

(2) the administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Act who are engaged in such military service are minimized to the extent possible without impairing the integrity of the student loan programs, in order to ease the burden on such borrowers, and to avoid inadvertent, technical defaults; and

(3) the future eligibility of such an individual for Pell Grants is not reduced by the amount of such assistance awarded for a period of instruction that such individual was unable to complete, or for which the individual did not receive academic credit, because he or she was called up for such service.

(b) **WAIVER REQUIREMENT.**—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education shall waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Act that the Secretary deems necessary to achieve the purposes stated in subsection (a), including—

(1) the length of, and eligibility requirements for, the military deferments authorized under sections 427(a)(2)(C)(ii), 428(b)(1)(M)(ii), and 464(c)(2)(A)(ii) of the Act, in order to enable the borrower of a Stafford Loan or a Perkins Loan who is or was serving on active duty in connection with Operation Desert Shield or Operation Desert Storm to obtain a military deferment, under which interest shall accrue and shall, if otherwise payable by the Secretary, be paid by the Secretary of Education, for the duration of such service;

(2) administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Act who are or were engaged in such military service;

(3) the number of years for which individuals who are engaged in such military service may be eligible for Pell Grants under subpart 1 of part A of title IV of the Act;

(4) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a period of deferment under section 427(a)(2)(C)(ii) or 428(b)(1)(M)(ii) of the Act;

(5) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a single period of deferment under section 427(a)(2)(C)(i) or 428(b)(1)(M)(i) of the Act subsequent to such service; and

(6) the modification of the terms "annual adjusted family income" and "available income," as used in the determination of need for student financial assistance under title IV of the Act for such individual (and the determination of such need for his or her spouse and dependents, if applicable), to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such individual and his or her family.

(c) **NOTICE OF WAIVER.**—Notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section. Such notice shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions. The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(d) **DEFINITIONS.**—For purposes of this Act—

(1) Individuals "serving on active duty in connection with Operation Desert Shield or Operation Desert Storm" shall include—

(A) any Reserve of an Armed Force called to active duty under section 672(a), 672(g), 673, 673b, 674, or 688 of title 10, United States Code, for service in connection with Operation Desert Shield or Operation Desert Storm, regardless of the location at which such active duty service is performed; and

(B) for purposes of waivers of administrative requirements under subsection (b)(2) only, any other member of an Armed Force on active duty in connection with Operation Desert Shield or Operation Desert Storm, who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(2) The term "active duty" has the meaning given such term in section 101(22) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

Federal
Register,
publication.

20 USC 1070
note.

SEC. 5. TUITION REFUNDS OR CREDITS.

(a) **SENSE OF CONGRESS.**—It is the sense of the Congress that all institutions offering postsecondary education should provide a full refund to any member or Reserve of an Armed Force on active duty service in connection with Operation Desert Shield or Operation Desert Storm for that portion of a period of instruction such individual was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for such

service. For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

(b) **ENCOURAGEMENT AND REPORT.**—The Secretary of Education shall encourage institutions to provide such refunds or credits, and shall report to the appropriate committees of Congress on the actions taken in accordance with this subsection as well as information he receives regarding any institutions that are not providing such refunds or credits.

SEC. 6. TERMINATION OF AUTHORITY.

20 USC 1070
note.

The provisions of sections 4 and 5 shall cease to be effective on September 30, 1997.

SEC. 7. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

Part C of the Adult Education Act (20 U.S.C. 1211 et seq.) is amended by inserting at the end thereof the following new section 373:

“SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

20 USC 1211b.

“(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

“(b) **FEDERAL SHARE.**—The Federal share of the costs of the adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

“(c) **ELIGIBLE ENTITIES.**—Entities eligible to receive a grant under this section include—

“(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

“(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

“(3) approved apprentice training programs; and

“(4) labor organizations, the memberships of which include commercial drivers.

“(d) **REFERRAL PROGRAM.**—Grantees shall refer to appropriate adult education programs as authorized under this Act individuals who are identified as having literacy skill problems other than or beyond those which prevent them from successfully completing the knowledge test requirements under the Commercial Motor Vehicle Driver Safety Act of 1986.

“(e) **DEFINITIONS.**—For purposes of this section:

“(1) The term ‘approved apprentice training programs’ has the meaning given such term in the National Apprenticeship Act of 1937.

“(2) The term ‘eligible commercial driver’ means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 for each of fiscal years 1991, 1992, and 1993.”

Michigan.

SEC. 8. ADMINISTRATIVE TREATMENT.

The Secretary of Education shall treat the University of Detroit Mercy of Detroit, Michigan, as an eligible institution under part A of title III of the Act for purposes of section 356 of the Act for fiscal year 1991.

SEC. 9. LOAN CERTIFICATION BY ELIGIBLE INSTITUTIONS.

20 USC 1078.

Section 428(a)(2)(F) of the Act is amended to read as follows:

“(F) Except as provided in subparagraph (D), an eligible institution may refuse to certify a statement which permits a student to receive a loan under this part or to certify a loan amount that is less than the student’s determination of need (as determined under part F of this title), if the reason for such action is documented and provided in written form to each student so affected.”.

SEC. 10. STUDENT RIGHT-TO-KNOW AND CAMPUS SECURITY TECHNICAL AMENDMENTS.

20 USC 1092.

(a) **GRADUATION RATES.**—Section 485(a)(1)(L) of the Act is amended by inserting “undergraduate” after “full-time”.

(b) **CALCULATION OF RATES.**—Section 485(a)(3) of the Act is amended—

- (1) by inserting “and” at the end of subparagraph (A);
- (2) by striking “; and” at the end of subparagraph (B) and inserting a period; and
- (3) by striking subparagraph (C).

(c) **USE OF COMPARABLE DATA.**—Section 485(a) of the Act is amended by adding at the end thereof the following new paragraph:

“(5) The Secretary shall permit any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection, to use such data to satisfy the requirements of this subsection.”.

(d) **SCHEDULE FOR DISCLOSURE.**—Section 485(f)(1) of the Act is amended—

- (1) in the matter preceding subparagraph (A), by striking “September 1, 1991,” and inserting “August 1, 1991,”;
- (2) in subparagraph (F)—
 - (A) by striking “school year” and inserting “calendar year”; and
 - (B) by striking “school years” and inserting “calendar years”.

(e) **EFFECTIVE DATE.**—Section 104(b) of the Student Right-to-Know and Campus Security Act is amended to read as follows:

20 USC 1092
note.

“(b) **EFFECTIVE DATE.**—The report to the Secretary of Education required by the amendments made by this section shall be due on July 1, 1993, and annually thereafter, and shall cover the one-year period ending on June 30 of the preceding year.”.

SEC. 11. SIMPLIFIED NEEDS ANALYSIS.

Section 479(a) of the Act is amended by adding before the period at the end thereof the following: “, or who file an income tax return pursuant to the tax code of the Commonwealth of Puerto Rico or who are not required to file pursuant to that tax code”.

20 USC 1087ss.

Approved April 9, 1991.

LEGISLATIVE HISTORY—H.R. 1285:**CONGRESSIONAL RECORD, Vol. 137 (1991):**

Mar. 19, considered and passed House.

Mar. 21, considered and passed Senate.

Public Law 102-27
102d Congress

An Act

Apr. 10, 1991
[H.R. 1281]

Making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991. Armed Forces.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

All funds provided under this title are hereby designated to be “emergency requirements” for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER I

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses” to provide for additional costs resulting from Operation Desert Shield/Desert Storm, \$4,633,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses” to provide for additional costs resulting from Operation Desert Shield/Desert Storm, \$3,103,000.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses” to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, \$39,700,000.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the diplomatic and consular service" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, \$9,300,000, to remain available until expended.

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, \$5,800,000, of which \$1,400,000 is to be derived by transfer from unobligated balances in "Radio Construction" subject to the Department of Defense waiving reimbursement for transportation, personnel, and related costs for establishing a temporary medium-wave broadcast facility for the Voice of America in Bahrain.

CHAPTER II

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, \$3,565,000, to remain available until expended.

CHAPTER III

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the Agency for International Development" to provide for additional costs resulting from Operation Desert Shield/Operation Desert Storm, \$6,000,000 to remain available until September 30, 1991, which shall be made available only for the costs of evacuating United States Government employees and Personal Services Contractors, their dependents, and for subsistence allowance payments.

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", \$850,000,000, to provide for additional costs resulting from the conflict in the Persian Gulf, of which \$650,000,000 shall be made available only for Israel, and of which \$200,000,000 may be obligated and expended notwithstanding section 10 of Public Law 91-672 only for the Republic of Turkey: *Provided*, That such sums shall be made

available on a grant basis as cash transfers and shall remain available for obligation until September 30, 1991: *Provided further*, That such sums may be used by Israel and the Republic of Turkey for incremental costs associated with the conflict in the Persian Gulf, notwithstanding section 531(e) of the Foreign Assistance Act of 1961.

CHAPTER IV

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For an additional amount for "Capitol Police Board, Salaries", to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, \$6,239,000, of which \$3,143,000 is appropriated to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and \$3,096,000 is appropriated to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate.

GENERAL EXPENSES

For an additional amount for "Capitol Police Board, General expenses", to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, \$1,081,000, to be disbursed by the Clerk of the House.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$74,000.

CHAPTER V

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

The fiscal year 1991 obligation limitation on nonadministrative and capital programs, as set forth in Public Law 101-516, is increased by \$60,000,000 to meet the unexpectedly high traffic from disruptions in world markets caused by the Middle East crisis.

CHAPTER VI

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, \$2,028,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, \$1,825,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to provide for additional costs associated with Operation Desert Shield/Operation Desert Storm, \$4,906,000.

CHAPTER VII

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care" to provide for unbudgeted medical expenses resulting from Operation Desert Shield/Operation Desert Storm, \$25,000,000.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses" to provide for unbudgeted Veterans Benefits Administration costs associated with Operation Desert Shield/Operation Desert Storm, \$12,000,000.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COMMODITY CREDIT CORPORATION

Section 634 of the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1991, Public Law 101-506, is hereby repealed.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", \$1,000,000, to be derived by transfer from Periodic Censuses and Programs.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,000,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, \$24,000,000 are rescinded.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", \$1,500,000, to remain available until expended.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", \$1,400,000, to remain available until expended.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,100,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", \$3,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE—GENERAL PROVISION

Notwithstanding any other provision of law, of the funds appropriated to Department of Commerce, Bureau of the Census, "Periodic censuses and programs" in Public Law 101-515, \$750,000 shall be available to provide the Federated States of Micronesia technical assistance and training for census taking and other data collection efforts: *Provided*, That such assistance shall include but not be limited to statistical training in planning and data collection, processing and analysis, equipment and supplies, long-term training, and subsistence expenses for trainees.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(BY TRANSFER)

For an additional amount for "Salaries and expenses, General Legal Activities", \$5,180,000, of which \$2,000,000 shall remain available until expended and of which \$3,180,000 is to be derived by transfer from Federal Prison System, Salaries and Expenses.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

(BY TRANSFER)

For an additional amount for "Salaries and expenses, United States Attorneys", \$1,903,000, to be derived by transfer from Salaries and Expenses, General Legal Activities.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

(BY TRANSFER)

For an additional amount for "Salaries and expenses, United States Marshals Service", \$1,025,000, to be derived by transfer from Federal Prison System, Salaries and Expenses.

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", \$9,203,000.

DEPARTMENT OF JUSTICE—GENERAL PROVISIONS

SEC. 101. Section 524(c)(9) of title 28, United States Code, is amended by adding the following new subsection:

"(E) Subject to the notification procedures contained in section 606 of Public Law 101-515, and after reserving the amounts authorized in subparagraph (D) above, any unobligated balances remaining in the Fund on September 30, 1991, and on September 30, 1992, shall be available to the Attorney General, without fiscal year limitation, to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution, and correctional activities of the Department of Justice."

28 USC 1821
note.

SEC. 102. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1991 or any prior fiscal year shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in paragraph (a)(2) of section 1821, 28 United States Code: *Provided*, That the one exception to the preceding prohibition is the fact witness fee decided in United States Supreme Court case No. 89-5916, Richard Demarest, Petitioner v. James Manspeaker et al. on January 8, 1991.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Funds made available under this heading in Public Law 101-515 shall be available to procure special purpose motor vehicles without regard to any price limitation established by law.

INTERNATIONAL COMMISSIONS

INTERNATIONAL FISHERIES COMMISSIONS

For an additional amount for "International fisheries commissions", \$100,000, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, as amended.

THE JUDICIARY

SUPREME COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$54,000.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$51,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$36,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$68,730,000, of which \$750,000, to remain available until September 30, 1992, shall be transferred to the National Commission on Judicial Discipline and Removal, and of which \$48,520,000 shall remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", \$5,600,000, to remain available until expended.

COURT SECURITY

For an additional amount for "Court security", \$530,000.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$2,450,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,633,000.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

READY RESERVE FORCE

For an additional amount for "Ready reserve force", \$20,000,000, to remain available until expended.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For an additional amount for "Grants and expenses", as authorized by 22 U.S.C. 2877, \$8,000,000 to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$3,630,000, to remain available until expended.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,000,000.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$2,000,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for "Payment to the Legal Services Corporation", \$1,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,600,000, to remain available until expended. In addition, any offsetting receipts deposited into the general fund of the Treasury under section 6(b) of the Securities Act of 1933 between October 1, 1990, and the November 5, 1990, enactment date of Public Law 101-515 shall be recorded as an offsetting collection and be available for obligation and expenditure by the Securities and Exchange Commission in accordance with the provisions governing the obligation and expenditure of offsetting collections under the above heading in Public Law 101-515.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(BY TRANSFER)

For an additional amount for "Salaries and expenses", \$1,500,000, to be derived by transfer from the Disaster Loan Fund.

SMALL BUSINESS ADMINISTRATION—GENERAL PROVISION

Notwithstanding any other provision of law, the Administrator of the Small Business Administration shall not withhold disaster assistance under section 7 of the Small Business Act to nurseries or greenhouses which suffered damage as a result of disasters (as defined in the Small Business Act) that occurred between October 1, 1990 and March 1, 1991.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$56,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$62,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$32,000,000.

GENERAL PROVISIONS

SEC. 201. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for 1991 shall not apply in the case of flag or general officers serving as practicing physicians.

SEC. 201A. Of the funds made available to the Department of Defense for Chemical Agents and Munitions Destruction, Defense, an amount not to exceed \$2,000,000 shall be available only for an off-island leave program: *Provided*, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations, prescribe travel and transportation allowances for travel performed by participants in the off-island leave program: *Provided further*, That funds appropriated for the off-island leave program shall remain available until expended.

SEC. 202. Of the funds appropriated for fiscal year 1991 for the account "Aircraft Procurement, Navy", the amount of \$987,936,000 provided for the F-14 remanufactured program shall be obligated for the twelve F-14 aircraft not later than thirty days after the enactment of this Act.

SEC. 203. None of the funds available to the Department of Defense may be used for advance procurement of material and other efforts associated with the industrial availability of the U.S.S. Kennedy other than the service life extension program for the U.S.S. Kennedy at the Philadelphia Naval Shipyard.

SEC. 204. Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 100-463) for fiscal year 1989, \$200,000,000 shall be made available to the Department of the Navy and shall be obligated not later than sixty days from the enactment of this Act for the V-22 Osprey tilt rotor aircraft program: *Provided*, That notwithstanding any other provision of law, these funds shall remain available until such time as they are expended for the V-22 Osprey tilt rotor program.

(TRANSFER OF FUNDS)

SEC. 205. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period of the appropriation from which transferred: *Provided further*, That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

AOE combat support ship program, \$237,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

AOE combat support ship program, \$77,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993";

AOE combat support ship program, \$79,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994";

AOE combat support ship program, \$81,000,000.

Reports.

SEC. 206. Section 8126 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1907), is amended by inserting after "September 30, 1990", the following: ", unless the Secretary of Defense submits a report by May 31, 1991 to the Committees on Appropriations of the House and Senate indicating what additional positions he intends to fill above those positions assigned to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as of September 30, 1990".

SEC. 207. Of the amount appropriated in title II of Public Law 101-165 (103 Stat. 1118) to the Department of Defense for the provision of logistical support and personnel services for the 1990 Goodwill Games, the amount of \$500,000 shall be used to provide such services for the 1991 Special Olympics to be held in the State of Minnesota in July, 1991, and shall remain available for obligation for such purposes until September 30, 1991.

SEC. 208. The Secretary of Defense shall transfer \$8,000,000 from the appropriation "Research, Development, Test and Evaluation, Defense Agencies" appropriated in title IV of the Department of Defense Appropriations Act, 1990 (Public Law 101-165) for the Center for Commerce and Industrial Expansion to appropriations available to the Department of Education which shall be obligated by that Department as a grant for the Center for Commerce and Industrial Expansion as authorized in section 4 of Public Law 101-600: *Provided*, That such funds shall remain available until expended.

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential public safety, health and other municipal services in the face of a severe financial crisis, \$100,000,000, to remain available until expended: *Provided*, That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government immediately upon certification by the Mayor of the District of Columbia to the Committees on Appropriations of the Senate and House of Representatives that spending reductions and revenue enhancements in amounts not less than \$216,000,000 in the aggregate are being implemented and all approvals by the Council of the District of Columbia, as required by law, have been secured: *Provided further*, That these funds shall be transferred to the District of Columbia government no later than May 1, 1991.

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Funds appropriated for "General investigations" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, for the initiation of preconstruction engineering and design for the Los Angeles-Long Beach Harbors, California, project may be used for completion of the feasibility study for that project: *Provided*, That within funds appropriated for "General investigations" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, not less than \$5,800,000 shall be available only for the Passaic River Mainstem, New Jersey, project.

CONSTRUCTION, GENERAL

Using funds appropriated for "Construction, general" in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work during fiscal year 1991 which would be terminated solely for policy reasons as a result of the proposed phaseout of the sections 103, 107, 111, and 208 Continuing Authorities Programs: *Provided*, That, from within funds appropriated to "General investigations" by the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, the Secretary shall make \$300,000 available to implement the provisions of the "Coastal Wetlands Planning, Protection and Restoration Act" (Public Law 101-646).

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for "Construction program" to meet the emergency needs for areas stricken by drought, \$25,000,000, to remain available until expended.

Of the amount appropriated under this heading in the Energy and Water Development Appropriations Act, 1991 (Public Law 101-514), up to \$11,930,000 shall be available for Buffalo Bill Dam Modification, Wyoming, as proposed in the United States Department of the Interior Budget Justifications, fiscal year 1991, for the Bureau of Reclamation.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

For an additional amount for "Atomic energy defense activities", \$623,000,000, to remain available until expended.

COMMUNITY IMPACT ASSISTANCE

Of the funds provided to the Department of Energy for fiscal year 1991, not more than \$10,000,000 shall be made available to the State of Colorado for community impact assistance payments to the cities of Broomfield, Westminster, Thornton, and Northglenn, Colorado.

INDEPENDENT AGENCIES

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$39,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$39,000.

CHAPTER V

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE
OPERATIONS

For an additional amount for "State unemployment insurance and employment service operations", \$150,000,000, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund activities under title III of the Social Security Act, as amended (42 U.S.C. 502-504): *Provided*, That all funds provided under this head are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

In the appropriations language under this heading in the Department of Labor Appropriations Act, 1991, delete the word "contractual" and the words "for legal and financial services".

DEPARTMENTAL MANAGEMENT

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

In addition to the amounts which are available for the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of sections 2001-10 and 2021-26, title 38, of the United States Code, not to exceed \$4,000,000 may be derived from that account for unbudgeted costs associated with Operation Desert Shield/Operation Desert Storm for carrying out the Transition Assistance Program under section 1144 of title 10, United States Code.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

PROGRAM OPERATIONS

For an additional amount for "Program operations" for a targeted initiative to combat infant mortality, \$25,000,000: *Provided*, That funds appropriated by the Department of Health and Human Services Appropriations Act, 1991, for rural health outreach grants, may not be used to provide forward or multiyear funding: *Provided further*, That none of the funds available for ongoing activities within community health centers or maternal and child health block grant programs under Public Law 101-517 shall be reprogrammed, redirected or reallocated for any other purposes.

VACCINE INJURY COMPENSATION

For an additional amount for "Vaccine Injury Compensation" for payment of claims incurred before October 1, 1988, \$17,000,000 to remain available until expended; and for an additional amount for program operations associated with the Vaccine Injury Compensation Program, \$1,000,000 to be derived by transfer from the Vaccine Compensation Trust Fund and to remain available until expended.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

For an additional amount for the "Supplemental Security Income Program", \$232,000,000, for payment to the Social Security trust funds for administrative expenses, to remain available until September 30, 1993.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", \$232,000,000 from any one or all of the Social Security trust funds as authorized by section 201(g)(1) of the Social Security Act, to remain available until September 30, 1993.

FAMILY SUPPORT ADMINISTRATION

REFUGEE AND ENTRANT ASSISTANCE

Amounts provided under this heading in the Department of Health and Human Services Appropriations Act, 1991, for cash and medical assistance may be used to provide grants to private non-profit agencies for private sector resettlement activities, as authorized by law.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

Funds appropriated in Public Law 101-517 for grants to tribally controlled postsecondary vocational institutions shall become available for obligation on April 1, 1991, and such funds shall be awarded no later than June 1, 1991: *Provided*, That the requirements of the Paperwork Reduction Act of 1980 and section 431 of the General

Education Provisions Act are waived with regard to grants made with fiscal year 1991 appropriated funds under title III, part H of the Carl D. Perkins Vocational and Applied Technology Act.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

104 Stat. 2215.

In the appropriations language under this heading in the Department of Education Appropriations Act, 1991, delete the words "if authorized," and the words "if such a grant is specifically authorized in law" and insert after "Standards" the following: "*Provided*, That funding for the National Board for Professional Teaching Standards shall be expended under the terms, conditions, and limitations provided for in part G of title IV of H.R. 5932 as passed the House of Representatives on October 26, 1990".

CHAPTER VI

LEGISLATIVE BRANCH

SENATE

ADMINISTRATIVE PROVISIONS

Section 3(f)(3) under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1975 (Public Law 93-371; 2 U.S.C. 59(e)), as amended by Public Law 94-32, is amended by striking subparagraph (B) and inserting the following:

"(B) Either of the following inscriptions shall be clearly visible on three sides of such mobile office in letters not less than three inches high:

" 'UNITED STATES GOVERNMENT VEHICLE

" 'FOR OFFICIAL USE ONLY';

"OR

" 'MOBILE OFFICE OF SENATOR _____

" 'FOR OFFICIAL USE ONLY' ".

2 USC 31a-2b.

(a) Upon the written request of the Majority or Minority Leader of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the headings "Salaries, Officers and Employees" and "Offices of the Majority and Minority Leaders", such amount as either Leader shall specify to the appropriations account, within the contingent fund of the Senate, "Miscellaneous Items".

(b) The Majority and Minority Leaders of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such leader shall be paid from the amount transferred pursuant to subsection (a) by such leader and upon vouchers approved by such leader.

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsections (a) and (b).

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Corinne L. Conte, widow of Silvio O. Conte, late a Representative from the State of Massachusetts, \$125,100.

Corinne L.
Conte.

ARCHITECT OF THE CAPITOL

ADMINISTRATIVE PROVISION

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, and subject to enactment of authorizing legislation, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of rental, lease, or other agreement, of temporary storage and warehouse space for use by the Library of Congress during fiscal year 1991, and to incur incidental expenses in connection with such use.

LIBRARY OF CONGRESS

ADMINISTRATIVE PROVISION

Previously obligated funds appropriated to the account "Library of Congress, Books for the blind and physically handicapped, Salaries and expenses" in Legislative Branch Appropriations Acts for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of sections 1405 (b)(4) and (b)(6) of Public Law 101-510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated, in amounts as follows:

Effective date.

From amounts appropriated for fiscal year 1978 in Public Law 95-94, \$223,000.

From amounts appropriated for fiscal year 1980 in Public Law 96-86, \$393,000.

From amounts appropriated for fiscal year 1981 in Public Law 96-536, \$4,905,426.

From amounts appropriated for fiscal year 1982 in Public Law 97-51, \$1,960,000.

From amounts appropriated for fiscal year 1985 in Public Law 98-367, \$2,226,243.

From amounts appropriated for fiscal year 1989 in Public Law 100-458, \$1,391,280.

CHAPTER VII

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(DISAPPROVAL OF DEFERRALS)

Effective April 16, 1991, in order to provide for urgently needed military construction and family housing, the Congress disapproves

Effective date.

the deferrals relating to the Department of Defense as set forth in the messages from the Comptroller General transmitted to the Congress on June 28, 1990 (H. Doc. 101-210), and February 5, 1991 (H. Doc. 102-40): *Provided*, That this section may not apply to projects at installations recommended for closure by the Secretary of Defense pursuant to title XXIX of Public Law 101-510: *Provided further*, That the budget authority subject to the deferrals disapproved herein shall be made available for obligation effective April 16, 1991.

Missouri.

LAND CONVEYANCE

(a) CONVEYANCE.—Subject to the conditions set forth in paragraph (b), the Secretary of the Army shall convey, at no cost, to the Missouri Housing Development Commission all right, title, and interest in the United States in and to the land known as the U.S. Army Charles Melvin Price Support Center Wherry Housing Annex in Pine Lawn, Missouri, comprising approximately 13.2 acres and all improvements thereon.

(b) CONDITION.—The conveyance provided for in paragraph (a) may be made only on condition that the Missouri Housing Development Commission agrees to operate and maintain the property and to use it for low-income and transitional housing for the homeless. The property shall revert to the Army if the Commission ceases to use the property for the described purpose.

(c) DEADLINE FOR CONVEYANCE.—The conveyance under paragraph (a) shall be made no later than ninety days after the date of enactment of this section.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Of the \$62,867,000 provided in Public Law 101-506 for grants to States and other eligible recipients under the Cooperative State Research Service Buildings and Facilities account, \$93,000 is transferred to the Special Research Grants program of the Cooperative State Research Service for the University of Maine to purchase necessary scientific instrumentation to assist in carrying out agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i).

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and expenses", not to exceed \$13,000,000, to be derived from the Agricultural Quarantine Inspection User Fee Account, to be available to carry out inspection, quarantine, and regulatory activities.

Of the amount previously made available under this account for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions, up to \$1,000,000 shall be used to carry out, in coordination with the Maine Department of Agriculture, an

inspection, quarantine, eradication, and control program in the State of Maine concerning the necrotic strain of potato virus Y (PVY-N).

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, \$8,000,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$46,900,000.

COMMODITY CREDIT CORPORATION

For disaster payments as authorized by the Disaster Assistance Act of 1989 (7 U.S.C. 1421 note), as amended, \$1,400,000: *Provided*, That such payments shall be available only for damages attributable to Hurricane Hugo and consistent with section 104(a)(5) of such Act.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

Of the loan funds previously made available under title V of the Housing Act of 1949, up to \$35,000,000 shall be made available for section 502(g), Deferred Mortgage Demonstration.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

For an additional amount for making benefit payments to individuals under the Food Stamp Act, for unanticipated costs incurred for the current fiscal year, \$200,000,000, and in addition up to \$1,300,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That funds provided herein shall remain available until September 30, 1992.

PUBLIC LAW 480

Title I of the Public Law 480 program allowed for the repayment of loans for the sale of agricultural commodities in foreign or local currencies until December 31, 1971. Since that time, until the law was changed in the 1985 farm bill, all sales have been on dollar credit terms. In view of the present financial situation, it is impossible for many countries to repay their loans in dollars. Therefore, the President may use the authority in section 411 and section 604 of the Agricultural Trade Development and Assistance Act of 1954 to renegotiate the payment on Public Law 480 debt in eligible countries in Latin America, the Caribbean and sub-Saharan Africa.

7 USC 1736e
note.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION

COAST GUARD

RETIRED PAY

For an additional amount for "Retired pay", \$14,500,000.

FEDERAL HIGHWAY ADMINISTRATION

TRADE ENHANCEMENT DEMONSTRATION PROJECT

Funds made available under this head for fiscal year 1991 shall remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of additional obligations incurred carrying out the provisions of 23 U.S.C. 408, to remain available until expended, \$4,980,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act or any other Appropriations Act for fiscal year 1991 shall be available for the planning or execution of programs the total obligations for which are in excess of \$19,980,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408.

FEDERAL RAILROAD ADMINISTRATION

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

Funds made available under this head for fiscal year 1991 shall remain available until expended.

CHAPTER X

GENERAL SERVICES ADMINISTRATION

Reports.

Notwithstanding any other provision of this or any other Act, none of the funds made available to the General Services Administration may be obligated or expended for the award of a final contract for site acquisition or construction of the Naval Systems Commands headquarters project without (1) a written report that the new Solicitation for Offers for the project is in the best interests of the United States, and (2) advance approval in writing of the House Committee on Public Works and Transportation, the Senate Committee on Environment and Public Works, and the House and Senate Committees on Appropriations.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

Of the funds provided under this heading in the Executive Office Appropriations Act, 1991, Public Law 101-509, \$330,000 shall remain available until expended for the rehabilitation of the Official Residence of the Vice President.

CHAPTER XI

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", \$712,584,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", \$250,000,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this head in prior years for projects to be developed for the elderly and handicapped under section 202 of the United States Housing Act of 1959, as amended, \$275,815,000 are rescinded.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY
CONTRACTS

For an additional amount for "Assistance for the renewal of expiring section 8 subsidy contracts", \$155,815,000, to remain available until expended: *Provided*, That of the \$7,734,985,400 provided for use in connection with section 8 expiring contracts in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101-507), is increased by the foregoing appropriation to \$7,890,800,400, of which \$4,234,500,400 shall be for existing certificates, \$671,300,000 shall be for housing vouchers, and \$2,985,000,000 shall be for loan management and other project-based section 8 contracts.

CONGREGATE SERVICES

Funds appropriated under this head in Public Law 101-507 (104 Stat. 1362) and all unobligated balances of prior year appropriations under such head, shall be made available for the revised Congregate Housing Services program under section 802 of the Cranston-Gonzalez National Affordable Housing Act and shall remain available

until expended: *Provided*, That any entity that receives assistance under a contract under the Congregate Housing Services Act of 1978 that expires in fiscal year 1991, and is otherwise eligible for assistance under such section 802, shall continue to receive assistance under such section 802: *Provided further*, That each such entity shall be provided such assistance for a 1-year term notwithstanding section 802(b)(2), and the dollar amount of such assistance to such entity shall not be less than the dollar amount of assistance that would be indicated by the rate at which such assistance was made available to such entity in the contract that expires in fiscal year 1991: *Provided further*, That notwithstanding the last sentence of section 802(g), the Secretary of Housing and Urban Development shall expedite the processing of such entity's application for continued assistance so that funding of the entity will continue without hiatus.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For an additional amount for "Payments for operation of low-income housing projects", \$75,000,000, to remain available until September 30, 1992: *Provided*, That these funds shall be used by the Secretary for fiscal year 1991 requirements in accordance with section 9(a), notwithstanding section 9(d) of the United States Housing Act of 1937, as amended.

RENTAL REHABILITATION GRANTS

Effective date.

Notwithstanding section 289(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), the unexpended balances of the Rental rehabilitation grants program (account symbols 86/0182 and 86/0164), and any amounts recaptured under account symbol 86/0182 for such program, shall be added to and merged with the Revolving Fund (liquidating programs), established pursuant to title II of the Independent Offices Appropriation Act, 1955, as amended (12 U.S.C. 1701g-5), effective October 1, 1991.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Of the amount made available under this head in Public Law 101-507, \$500,000 shall be made available for the National Commission on Manufactured Housing as authorized by section 943 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625).

ADMINISTRATIVE PROVISIONS

SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.—Section 811(k)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(4)) is amended by striking "20 persons with disabilities" and inserting "24 persons with disabilities (or such higher number of persons as permitted under criteria that the Secretary shall prescribe)".

Section 17(f) of the United States Housing Act of 1937 (42 U.S.C. 1437o(f)), as amended by Public Law 101-507 (104 Stat. 1369) is further amended by striking "or City of West Hollywood, California" and by inserting at the end thereof, the following new sentence: "This subsection shall also not apply to requirements relating to

California.

rents imposed on a structure by the City of West Hollywood, California.” Section 17(f) as amended by the immediate foregoing amendment shall apply retroactively to any structure assisted with section 17 rental rehabilitation funds in the City of West Hollywood, California.

42 USC 1437o
note.

Section 837(c) of the Cranston-Gonzalez National Affordable Housing Act is amended by adding at the end thereof the following:

42 USC 11403h
note.

“Any such amounts that shall not have been obligated by March 20, 1991, shall be made available in accordance with the terms of the appropriation under the head ‘Supplemental Assistance for Facilities to Assist the Homeless’ in Public Law 101-507 (104 Stat. 1351, 1364).”

All previously obligated funds appropriated to the Department of Housing and Urban Development under the respective heads “Community development grants” and “Urban development action grants” for prior fiscal years shall be exempt, effective as of March 5, 1991, from the application of the provisions of sections 1405 (b)(4) and (b)(6) of Public Law 101-510 (104 Stat. 1679) and section 1552 of title 31, United States Code, and shall remain available until expended for the purposes for which originally obligated.

In addition to any other rescission provided for in this Act, of the funds made available under the head “Annual contributions for assisted housing” in the Department of Housing and Urban Development in prior years, an additional \$23,000,000 are rescinded: *Provided*, That \$20,000,000 of such amount shall be from amounts for projects to be developed for the elderly and handicapped under section 202 of the United States Housing Act of 1959, as amended, and \$3,000,000 of such amount shall be from amounts for section 8 voucher assistance for tenants affected by public housing relocation activities.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 1991 is amended to delete the period at the end of the section and insert in lieu thereof the following: *Provided further*, That for the purposes of this section, funds appropriated in this Act may be used to initiate a multiyear contract for the Medium Range Recovery Helicopter (HH-60J) program.

104 Stat. 2184.

SEC. 303. Notwithstanding any other provision of law, no funds shall be expended by the Secretary of Labor to implement or administer the regulations published at 54 Federal Register 4234-44 (January 27, 1989) to be codified at 1.7(d), 5.2(n)(4), 5.5(a)(1)(ii)(A) and 5.5(a)(4)(iv) of title 29 of the Code of Federal Regulations or to implement or administer any other regulation that would have the same or similar effect. No funds shall be expended by the Secretary of Labor to implement or administer revisions to part 29 of title 29 of the Code of Federal Regulations published at 55 Federal Register 34868-34876 (August 24, 1990) to the extent such revisions affect apprenticeship programs in the construction industry.

SEC. 304. (a) The Congress finds that—

(1) United States and coalition armed forces devoted enormous human and financial resources to the successful effort to

free Kuwait from illegal Iraqi occupations, enforce United Nations resolutions, and preserve the territorial integrity of the Gulf States;

(2) Americans take great pride in the troops who won this historic victory and honor those who gave their lives to liberate Kuwait and turn back aggression;

(3) major trading nations of the world will benefit substantially and directly from the coalition victory in this strategic area;

(4) six nations have pledged \$53,500,000,000 in contributions to help meet the costs of the coalition effort;

(5) some nations have been slow to honor those commitments for 1990; and

(6) the 1991 commitments are agreed to be due on March 31, 1991.

(b) Having appropriated significant supplemental funding for the United States Armed Forces in the Gulf region in a time of recession and budget deficits, it is the sense of the Congress that—

(1) these pledges of financial support from the allied nations are appreciated;

(2) nations that have made such pledges are urged to comply with them at the earliest possible time, with substantial compliance or an agreed upon payment schedule no later than April 15, 1991;

(3) these commitments shall be fulfilled; and

(4) if these commitments are not met the Congress may consider appropriate action.

Lawrence Welk.

SEC. 305. Notwithstanding any provision of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, none of the funds appropriated or otherwise made available by that Act or by any other Act may be used for the restoration of the birthplace of Lawrence Welk.

SEC. 306. (a) Section 5502(a) of title V, part E of Public Law 100-297, is amended to read as follows:

“(a) the President shall call and conduct a White House Conference on Indian Education (hereinafter in this part referred to as the ‘Conference’) which shall be held not earlier than a date which shall be 9 months after the date of the initial meeting of the Advisory Committee established pursuant to section 5506 of this part and not later than 12 months after the date of said meeting.”

(b) Section 5506(b) of title V, part E of Public Law 100-297, is amended by adding the following new sentence: “The Advisory Committee shall be consulted on, and shall advise the Task Force and the Congress on, all aspects of the Conference and actions which are necessary for the conduct of the Conference.”

SEC. 307. Notwithstanding any other provision of law, no funds shall be expended by the Administrator of the Environmental Protection Agency to enforce the March 18, 1991, deadline contained in the regulations published in the Federal Register on November 16, 1990, (40 CFR, parts 122, 123, 124), pertaining to group applications for stormwater discharges, until such deadline is extended to September 30, 1991.

SEC. 308. Section 533(c)(3)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended by—

(1) striking “industrial” and inserting in lieu thereof “commercial”; and

25 USC 2001
note.
President.
Indians.

25 USC 2001
note.

22 USC 262L.

(2) inserting “unless an environmental assessment:

“(i) identifies potential impacts on biological diversity;

“(ii) demonstrates that all timber extraction will be conducted according to an environmentally sound management system which maintains the ecological functions of the natural forest and minimizes impacts on biological diversity; and

“(iii) demonstrates that the activity will contribute to reducing deforestation”

before the period at the end thereof.

SEC. 309. PERSIAN GULF ENVIRONMENTAL TECHNICAL ASSISTANCE.

(a) **INTERNATIONAL FRAMEWORK.**—Congress strongly encourages the President to seek the establishment of an international framework agreement to—

(1) provide for environmental monitoring, assessment, remediation and restoration in the Persian Gulf region of effects of the recent war; and

(2) provide for the payment, by the host country, of appropriate Federal agencies utilized to establish or implement this agreement.

(b) **REPORTS.**—

(1) Within 60 days of enactment of this Act, the President shall submit to the Committees on Appropriations of the Senate and House of Representatives an unclassified report identifying the actions taken to implement these provisions and any costs and payments, and

President.

(2) by March 1, 1992, and subject to the receipt of payment by the Environmental Protection Agency under subsection (a)(2), the Administrator of the Environmental Protection Agency, in consultation with appropriate agencies, shall submit to Congress an unclassified report providing a comprehensive evaluation of environmental effects of the Persian Gulf conflict identified pursuant to this provision.

SEC. 310. CHILD CARE BLOCK GRANT TECHNICAL AMENDMENT.

Section 658J of the Child Care and Development Block Grant Act of 1990 is amended by striking out “expended” and inserting in lieu thereof “obligated”.

42 USC 9858h.

SEC. 311. SYRIA.

(a) It is the sense of the Congress that—

(1) The successful conclusion of the war in the Persian Gulf provides an opportunity to begin building a lasting peace in the Middle East;

(2) A crucial element of peace in this unstable region is the willingness of Arab states to negotiate with Israel, recognizing her right to live in peace;

(3) The United States should continue to urge Arab states to negotiate peace with the State of Israel;

(4) One of those Arab states, Syria, continues to undermine goodwill and peace in the region by depriving the 4,000 Jews living in Syria of the right to emigrate;

(5) Syrian Jews continue to live in a climate of fear and insecurity, still denied fundamental civil and human rights;

(6) A Jew living in Syria, in order to travel, must leave a large sum of money and members of his immediate family as insurance for his return;

(7) Jews suspected of having traveled "illegally" or even of planning to do so have been arrested, interrogated, and subjected to lengthy imprisonment;

Hafez Assad.

(8) Syrian President Hafez Assad continues to deny the basic right of free emigration, a violation of the Universal Declaration of Human Rights, to which Syria is a signatory.

(b) The Congress—

(1) condemns the Government of Syria for continuing to deny the basic human right of free emigration;

(2) calls upon the Government of Syria—

(A) to allow all Syrian Jews to emigrate freely,

(B) to release from prison Jews suspected of having travelled "illegally" or of planning to do so;

(3) urges the Administration to continue to make known to Syrian authorities the importance of respecting the human rights of the Jewish community, especially the right to emigrate, in determining future policy toward Syria.

Loans.

SEC. 312. REAL ESTATE SETTLEMENT PROCEDURES.

(a) Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsection:

"(j) TRANSITION.—

"(1) ORIGINATOR LIABILITY.—A person who makes a federally related mortgage loan shall not be liable to a borrower because of a failure of such person to comply with subsection (a) with respect to an application for a loan made by the borrower before the regulations referred to in paragraph (3) take effect.

"(2) SERVICER LIABILITY.—A servicer of a federally related mortgage loan shall not be liable to a borrower because of a failure of the servicer to perform any duty under subsection (b), (c), (d), or (e) that arises before the regulations referred to in paragraph (3) take effect.

"(3) REGULATIONS AND EFFECTIVE DATE.—The Secretary shall, by regulations that shall take effect not later than April 20, 1991, establish any requirements necessary to carry out this section. Such regulations shall include the model disclosure statement required under subsection (a)(2)."

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. INTERNATIONAL AFFAIRS.

104 Stat. 1997.

(a) The appropriation "Foreign Military Financing Program" as contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) is amended by striking out "\$4,663,420,800" and inserting in lieu thereof "\$4,259,920,800".

2 USC 904 note.

(b) Upon the enactment of this Act, the order issued by the President on November 9, 1990, pursuant to sections 251 and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is hereby rescinded. Any action taken to implement this order shall be reversed, and any sequestrable resource that has been reduced or sequestered by such order is hereby restored, revived, or

released and shall be available to the same extent and for the same purpose as if the order had not been issued.

SEC. 402. MILITARY CONSTRUCTION.

In Public Law 101-519, the Military Construction Appropriations Act, 1991, sections 131 and 132 are hereby repealed.

50 USC 1701
note; 18 USC
2331 *et seq.*

SEC. 403. GENERAL SERVICES ADMINISTRATION.

In Public Law 101-509, the Treasury, Postal Service, and General Government Appropriations Act, 1991, under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction" at the end of the listing for the District of Columbia add the following project:

104 Stat. 1404.

"General Services Administration, Southeast Federal Center, Headquarters, \$148,500,000: *Provided*, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works", and under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction, Virginia, Northern Virginia Naval Systems Commands" strike "\$273,000,000" and insert in lieu thereof "\$240,000,000: *Provided*, That \$10,000,000 in additional funds may be obligated upon the advance approval of the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further*, That no more than \$250,000,000 shall be available for acquisition, through direct purchase and construction of 1,000,000 square feet of occupiable space: *Provided further*, That acquisition of an additional 1,000,000 square feet either through direct purchase, construction, or lease, shall only be permitted upon the advance approval of a prospectus by the House Committee on Public Works and Transportation and Senate Committee on Environment and Public Works".

SEC. 404. REPEAL; RESTORATION OF OBLIGATION AUTHORITY.

(a) Section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1991, is repealed.

23 USC 104 note.
23 USC 104 note.

(b) The Secretary of Transportation shall restore any reductions in obligation authority made under section 329 prior to its repeal.

TITLE V—CERTAIN MILITARY

PERSONNEL AND VETERANS BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses necessary for the benefits provided in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991, for fiscal year 1991 through fiscal year 1995, not to exceed \$655,000,000 appropriated, to be derived by transfer only by the Secretary of Defense, with the approval of the Director of the Office of Management and Budget, from current and future balances in the Defense Cooperation Account to the following accounts in chapters I and II of this title in not to exceed the following amounts:

CHAPTER I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

For an additional amount for the payment of special death gratuities for service members participating in the Servicemen's Group Life Insurance program, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, \$15,000,000;
Military personnel, Navy, \$4,000,000;
Military personnel, Marine Corps, \$4,000,000;
Military personnel, Air Force, \$2,000,000.

For an additional amount for the payment of death gratuities, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, \$2,000,000;
Military personnel, Navy, \$1,360,000;
Military personnel, Marine Corps, \$570,000;
Military personnel, Air Force, \$1,070,000.

For an additional amount for the payment of a temporary increase in the rate of special pay for duty subject to hostile fire or imminent danger, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, \$101,000,000;
Military personnel, Navy, \$24,000,000;
Military personnel, Marine Corps, \$29,000,000;
Military personnel, Air Force, \$19,000,000.

For an additional amount for the payment of special pay for health professionals recalled to active duty or involuntarily retained on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, \$7,900,000;
Military personnel, Navy, \$400,000;
Military personnel, Air Force, \$1,700,000.

For an additional amount for the payment of increased amounts attributable to the removal of the sixty-day limitation on the amount of leave that may be paid to survivors of military members who die on active duty, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, \$580,000;
Military personnel, Navy, \$140,000;
Military personnel, Marine Corps, \$160,000;
Military personnel, Air Force, \$100,000.

For an additional amount for the payment to retired members of the Armed Forces recalled to active duty during a war or national emergency at the highest grade previously held and to allow these members to retire in the highest grade held, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, \$50,000;
Military personnel, Navy, \$14,000;
Military personnel, Marine Corps, \$17,000;
Military personnel, Air Force, \$10,000.

For an additional amount for the payment of the basic allowance for quarters to military reservists without dependents, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, \$22,100,000;
Military personnel, Navy, \$3,200,000;
Military personnel, Marine Corps, \$5,500,000;
Military personnel, Air Force, \$5,200,000.

For an additional amount for the payment of family separation allowances, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Military personnel, Army, \$20,000,000;
Military personnel, Navy, \$16,900,000;
Military personnel, Marine Corps, \$5,900,000;
Military personnel, Air Force, \$8,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

For an additional amount for the payment of increased costs of the Civilian Health and Medical Program of the Uniformed Services, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, \$15,400,000;
Operation and maintenance, Navy, \$17,700,000;
Operation and maintenance, Air Force, \$14,900,000.

For an additional amount to provide transitional health care coverage upon deactivation for reservists on active duty during the Persian Gulf Conflict, for the following accounts in the amounts specified:

FISCAL YEAR 1991

Operation and maintenance, Army, \$15,900,000;
Operation and maintenance, Navy, \$6,370,000;
Operation and maintenance, Air Force, \$2,730,000.

DEPARTMENT OF EDUCATION

GUARANTEED STUDENT LOANS

(TRANSFER OF FUNDS)

For an additional amount for "Guaranteed student loans", for fiscal year 1991, \$3,106,000; for fiscal year 1992, \$5,932,562; for fiscal year 1993, \$2,262,250; for fiscal year 1994, \$506,250; for fiscal year 1995, \$506,250 as authorized in section 372: *Provided*, That if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available from otherwise appropriated funds from this account.

STUDENT FINANCIAL ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for "Student financial assistance", for fiscal year 1991, \$1,290,000; for fiscal year 1992, \$3,165,000; for fiscal year 1993, \$3,165,000; for fiscal year 1994, \$3,165,000; for fiscal year 1995, \$3,165,000 as authorized in section 372: *Provided*, That if these amounts in any fiscal year are not sufficient to provide for the benefits authorized, any additional amounts necessary shall be available from otherwise appropriated funds from this account.

CHAPTER II

DEPARTMENT OF VETERANS AFFAIRS

(TRANSFER OF FUNDS)

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", for the following amounts and fiscal years specified: fiscal year 1991, \$200,000; fiscal year 1992, \$600,000; fiscal year 1993, \$700,000; fiscal year 1994, \$700,000; fiscal year 1995, \$700,000, to remain available until expended.

VETERANS EDUCATION BENEFITS

For an additional amount for purposes of funding chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code, for fiscal years 1991 through 1995, \$655,000,000, less the total of the amounts appropriated for fiscal year 1991 through 1995 in the preceding paragraphs of this title.

CHAPTER III

For an additional amount for emergency expenses not otherwise provided for in this Act, \$50,000,000 of which \$30,000,000 may be available for Family Education and Support Services as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 and of which \$20,000,000 may be available for Child Care Assistance as authorized in the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits

Act of 1991: *Provided*, That the Secretary of Defense may transfer these sums as necessary to the appropriate operation and maintenance appropriations to be merged with and made available for the same purposes and the same time period as the appropriations to which transferred: *Provided further*, That this transfer authority shall be in addition to any other transfer authority contained in this Act.

GENERAL PROVISION

SEC. 501. (a) The authority provided in this title to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for fiscal year 1991 through fiscal year 1995.

(b) Amounts transferred from the Defense Cooperation Account shall be merged with and be available for the same purposes as the appropriations to which transferred.

(c) The Secretary of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives before making any transfer from the Defense Cooperation Account. No transfer may be made until the seventh day after such committees receive the notification required by this subsection to be submitted for such transfer.

SEC. 502. PROHIBITION ON CERTAIN ASSISTANCE FOR JORDAN.

(a) PROHIBITION.—Except as otherwise provided in this section, none of the funds appropriated or otherwise made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, may be obligated or expended for assistance for Jordan.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) assistance for refugees; or

(2) assistance to finance the training or studies outside Jordan of students whose course of study or training program began before the date of enactment of this Act.

(c) WAIVER.—The prohibition contained in subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the Government of Jordan has taken steps to advance the peace process in the Middle East, or that furnishing assistance to Jordan would be beneficial to the peace process in the Middle East.

(d) DEFINITIONS.—For purposes of this section, the term “appropriate congressional committees” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

(e) REPEALS.—(1) The ninth proviso under the heading “Economic Support Fund” of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is hereby repealed.

104 Stat. 1990.

(2) The tenth proviso under the heading “Economic Support Fund” of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is hereby repealed.

102 Stat. 1206.

(3) Any provision of law not repealed by this subsection that earmarks economic or military assistance for Jordan shall have no force or effect upon the date of enactment of this Act.

This Act may be cited as the "Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991".

Approved April 10, 1991.

LEGISLATIVE HISTORY—H.R. 1281:

HOUSE REPORTS: Nos. 102-9 (Comm. on Appropriations) and 102-29 (Comm. of Conference).

SENATE REPORTS: No. 102-24 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 7, considered and passed House.

Mar. 19, 20, considered and passed Senate, amended.

Mar. 21, House disagreed to Senate, amendments.

Mar. 22, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report; concurred in House amendments.

Public Law 102-28
102d Congress

An Act

Making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes.

Apr. 10, 1991
[H.R. 1282]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

PERSIAN GULF REGIONAL DEFENSE FUND

(INCLUDING TRANSFER OF FUNDS)

For incremental costs of the Department of Defense and the Department of Transportation associated with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), \$15,000,000,000 is appropriated to the Persian Gulf Regional Defense Fund, which is hereby established in the Treasury of the United States, and in addition such sums as necessary are appropriated from current and future balances in the Defense Cooperation Account, to be available only for transfer in a total amount not to exceed \$42,625,822,000 to the following chapters and accounts in not to exceed the following amounts:

Operation
Desert
Shield/Desert
Storm
Supplemental
Appropriations
Act, 1991.
Armed Forces.
Arms and
munitions.
Persian Gulf.

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$4,863,700,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$797,400,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$983,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,278,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$15,082,750,000, of which \$350,000 shall be available only for the 1991 Memorial Day Celebration.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$2,758,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,205,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$3,701,000,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and Maintenance, Defense Agencies", \$203,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$16,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$55,000,000.

PROCUREMENT

(TRANSFER OF FUNDS)

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft procurement, Army", \$7,100,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", \$663,500,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of weapons and tracked combat vehicles, Army", \$26,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of ammunition, Army", \$509,600,000.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other procurement, Army", \$62,300,000.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft procurement, Navy", \$25,200,000.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons procurement, Navy", \$815,600,000.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other procurement, Navy", \$34,800,000.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$127,450,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", \$59,600,000.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile procurement, Air Force", \$645,500,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", \$422,800,000.

PROCUREMENT, DEFENSE AGENCIES

For an additional amount for "Procurement, Defense Agencies", \$15,400,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$30,100,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$39,000,000.

REVOLVING AND MANAGEMENT FUNDS

(TRANSFER OF FUNDS)

ARMY STOCK FUND

For an additional amount for "Army Stock Fund", \$214,000,000.

AIR FORCE STOCK FUND

For an additional amount for "Air Force Stock Fund", \$57,000,000.

COMBAT COSTS OF OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary to finance the estimated partial costs of combat and other related costs of Operation Desert Shield/Desert Storm in the following additional amounts: for Operation and maintenance, \$6,000,000,000; for Procurement, \$1,872,700,000, to remain available for obligation until September 30, 1993: *Provided*, That the Secretary of Defense shall not make any transfer from the Persian Gulf Regional Defense Fund or from the Defense Cooperation Account for combat costs until the seventh day after notifying the Committees on Appropriations and Armed Services of the Senate and House of Representatives of any such transfer.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) In administering the Persian Gulf Regional Defense Fund, the Secretary of Defense shall use the corpus of the Fund only to the extent that amounts from the Defense Cooperation Account established under section 2608 of title 10, United States Code, are not currently available.

(b) If the balance of the corpus of the Persian Gulf Regional Defense Fund is less than \$15,000,000,000, the Secretary shall transfer amounts from the Defense Cooperation Account to the Persian Gulf Regional Defense Fund, to the extent that amounts are available in that Account, to restore the balance in the corpus of the Fund to \$15,000,000,000.

(c) For purposes of this section, the term "corpus of the Fund" means the amount of \$15,000,000,000 appropriated by this Act to the Persian Gulf Regional Defense Fund from the general fund of the Treasury, as such amount is restored from time to time by transfers from the Defense Cooperation Account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 102. (a) The authority provided in this Act to transfer funds from the Persian Gulf Regional Defense Fund and from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

(b) Amounts transferred from the Persian Gulf Regional Defense Fund and from the Defense Cooperation Account shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) Amounts appropriated to the Persian Gulf Regional Defense Fund shall remain available until transferred.

(d)(1) Upon payment of all incremental costs associated with the purpose for which the Persian Gulf Regional Defense Fund is established, the Fund shall be terminated.

(2) If the balance in the Fund at the time of the termination is \$15,000,000,000 or less, the balance shall revert to the general fund of the Treasury.

(TRANSFER OF FUNDS)

SEC. 103. (a) For the purpose of adjusting amounts appropriated to the Department of Defense for fiscal year 1991 to reflect changes in expenses due to the order to active duty (other than for training) of members of the National Guard and Reserves in connection with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), the Secretary of Defense may during fiscal year 1991 transfer not to exceed \$446,000,000 among the fiscal year 1991 Military Personnel appropriation accounts of the Department of Defense.

(b) Amounts transferred under subsection (a) shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) A transfer of funds under subsection (a) is subject to regular congressional reprogramming notification requirements.

(d) The transfer authority in subsection (a) is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

SEC. 104. None of the funds appropriated to the Persian Gulf Regional Defense Fund shall be used for fuel price increases.

SEC. 105. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) medical provider may voluntarily waive the patient co-payment for medical services provided from August 2, 1990, until the termination of Operation Desert Shield/Desert Storm for dependents of active duty personnel: *Provided*, That the government's share of medical services is not increased during the specified time period.

10 USC 1079
note.

SEC. 106. Mitchel Field Health Care Facility in the State of New York shall only be funded from the Operation and Maintenance, Navy, appropriation and shall not be funded or included within the congressionally imposed ceiling of the Uniformed Services Treatment Facility account.

New York.

SEC. 107. (a) All equipment, supplies, and other materials (including construction equipment and construction materials described in subsection (b)) of the United States that, after August 1, 1990, were transported to or procured by the United States in the Middle East

for the use of the Armed Forces of the United States or the use of the armed forces of any other member country of the multinational coalition participating in Operation Desert Storm shall, to the maximum extent practicable, be removed from the Middle East to the United States or to any United States military installation outside the United States and the Middle East as soon as practicable in conjunction with the removal of such forces of the Armed Forces of the United States from the Middle East.

(b) The construction equipment and construction materials referred to in subsection (a) are construction equipment and construction materials used in the construction of military facilities for the Armed Forces of the United States in the Middle East in connection with Operation Desert Storm.

(c) Subsection (a) does not apply to any equipment, supply, or material that—

(1) is to be transferred to a foreign government under the provisions of subsection (e); or

(2) has negligible value; or

(3) is to remain under the control of United States forces in the region; or

(4) is to be stored in the Middle East as prepositioned equipment and material for the use of the Armed Forces of the United States; or

(5) has been expended, depleted, or rendered unusable; or

(6) has been formally notified to Congress prior to March 20, 1991, under the Arms Export Control Act.

(d) The President should attempt to obtain reimbursement from the government of each country in the Middle East for the cost to the United States of materials referred to in subsection (a) that are not removed from that country because of impracticality.

(e) Except as deemed essential by the Commander-in-Chief of the United States Central Command for the conduct of the war in the Persian Gulf prior to a permanent cease-fire, no equipment, supply, or material referred to in subsection (a) or which was captured from Iraq by United States forces in the context of Operation Desert Storm may be transferred to the government or any entity of any foreign country in the Middle East except as provided through the regular notification procedures of the Committees on Appropriations, the Committees on Armed Services, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

President.

(f) The President shall notify Congress of the proposed storage of any equipment, supply, or material referred to in subsection (a) in a prepositioned status referred to in subsection (c)(4).

President.
Reports.

(g) The President shall report to the Committees on Appropriations and Armed Services of the House of Representatives and Senate sixty days after the enactment of this Act, on the quantity, condition, value, disposition, and manner of seizure of all enemy equipment falling under the control or the possession of the United States, as well as all enemy equipment falling under the control of allied forces, within the Desert Storm theater of operations.

(h) For the purposes of this provision, the term "material" shall include all lethal and nonlethal instruments of war and their supporting elements, components and subcomponents.

President.
Reports.

SEC. 108. (a) Not later than sixty days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified forms, on the redeploy-

ment of the forces of the Armed Forces of the United States that were deployed in the Persian Gulf area in connection with Operation Desert Storm.

(b) The report shall contain the following information:

(1) A detailed specification of the costs of the reduction in such forces.

(2) The schedule for returning such forces to the United States or other locations from which the forces were deployed to the Persian Gulf area in connection with Operation Desert Storm.

(3) The size and composition of any element of the Armed Forces of the United States that will remain in the Persian Gulf area after fiscal year 1991.

(4) A detailed discussion of any arrangement for a United States military presence that has been made or is expected to be made to the government of any country in the Middle East.

(c) In this section, the term "Operation Desert Storm" means Operation Desert Shield, Operation Desert Storm, and any related successive operations of the Armed Forces of the United States.

SEC. 109. None of the funds appropriated or otherwise made available by this Act or any other provision of law shall be available for sales, credits, or guarantees for defense articles or defense services under the Arms Export Control Act to any country that has made a commitment to contribute resources to defray any of the costs of Operation Desert Storm and that has not fulfilled its commitment.

SEC. 110. The establishment of the Persian Gulf Regional Defense Fund by this Act and the establishment of a working capital account pursuant to title I of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 shall be treated for all purposes as establishment of the same account in the Treasury.

CHAPTER II

MILITARY CONSTRUCTION

(TRANSFER OF FUNDS)

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", \$35,000,000, to remain available for obligation until September 30, 1994.

CHAPTER III

DEPARTMENT OF TRANSPORTATION

(TRANSFER OF FUNDS)

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", \$18,922,000.

This Act may be cited as the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991".

Approved April 10, 1991.

LEGISLATIVE HISTORY—H.R. 1282:

HOUSE REPORTS: Nos. 102-10 (Comm. on Appropriations) and 102-30 (Comm. of Conference).

SENATE REPORTS: No. 102-23 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 7, considered and passed House.

Mar. 19, considered and passed Senate, amended.

Mar. 22, House agreed to conference report; receded and concurred in certain Senate amendments; in others with amendments. Senate agreed to conference report; concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Apr. 10, Presidential statement.

Public Law 102-29
102d Congress

Joint Resolution

To provide for a settlement of the railroad labor-management disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

Apr. 18, 1991
[H.J. Res. 222]

Whereas the labor disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees represented by certain labor organizations threaten essential transportation services of the United States;

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained;

Whereas the President, pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), by Executive Order No. 12714 of May 3, 1990, created Presidential Emergency Board No. 219 to investigate the disputes and report findings;

Whereas the recommendations of Presidential Emergency Board No. 219 issued on January 15, 1991, have formed the basis for tentative agreements between some, but not all, of the parties to the disputes;

Whereas the recommendations of Presidential Emergency Board No. 219 issued on January 15, 1991, have not resulted in a settlement of all the disputes;

Whereas all the procedures provided under the Railway Labor Act, and further procedures agreed to by the parties, have been exhausted and have not resulted in settlement of all the disputes;

Whereas it is desirable to resolve such disputes in a manner which encourages solutions reached through collective bargaining;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure the uninterrupted operation of essential transportation services;

Whereas the Congress finds that emergency measures are essential to national security and continuity of transportation services by such railroads; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDITIONS DURING RESOLUTION OF DISPUTES.

The following conditions shall apply to the disputes referred to in Executive Order No. 12714 of May 3, 1990, between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and the employees of such railroads represented by the labor organizations which are party to such disputes:

- (1) The parties to such disputes shall take all necessary steps to restore or preserve the conditions out of which such disputes

arose as such conditions existed before 12:01 a.m. on April 17, 1991, except as otherwise provided in this joint resolution.

(2) The final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the disputes referred to in Executive Order No. 12714 of May 3, 1990, so that no change shall be made before the expiration of the period described in section 3(e) of this joint resolution by such parties, in the conditions out of which such dispute arose as such conditions existed before 12:01 a.m. on April 17, 1991.

(3) Except as provided in sections 3 and 4 of this joint resolution, the report and recommendations of Presidential Emergency Board No. 219 shall be binding on the parties upon the expiration of the period described in section 3(e) of this joint resolution, and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

SEC. 2. APPOINTMENT OF SPECIAL BOARD.

President.

The President shall promptly appoint a 3-member Special Board. One member of the Special Board shall be an individual who was a member of Presidential Emergency Board No. 219. The remaining 2 members shall be appointed by the President from a list of arbitrators compiled by the National Mediation Board. No member appointed to such Special Board shall be pecuniarily or otherwise interested in any organization of employees or any railroad. The compensation of the members of the Special Board shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of the Special Board appointed under this subsection as if such Special Board were a board created under such section 10.

SEC. 3. RESOLUTION OF ISSUES IN DISAGREEMENT.

(a) **REQUESTS FOR CLARIFICATION OR INTERPRETATION OF AMBIGUITIES.**—Within 5 days after the Special Board is appointed under section 2, any party to the disputes referred to in Executive Order No. 12714 of May 3, 1990, may request the Special Board to clarify or interpret any ambiguities in the recommendations of Presidential Emergency Board No. 219.

(b) **CLARIFICATION AND INTERPRETATION REPORT.**—Within 15 days after the Special Board is appointed under section 2, the Special Board shall issue a report addressing requests made under subsection (a).

(c) **REQUESTS FOR MODIFICATION.**—Within 10 days after the Special Board issues its report under subsection (b), any party to the disputes referred to in Executive Order No. 12714 of May 3, 1990, may request the Special Board to modify any specific recommendation of Presidential Emergency Board No. 219 with respect to any issue on which the parties remain in disagreement. Issues on which Presidential Emergency Board No. 219 made no specific recommendation shall not be subject to consideration by the Special Board.

(d) **PROCEDURE AND DETERMINATION.**—The Special Board shall conduct such proceedings as it considers necessary to review requests made under subsection (c). In making a determination under this subsection, the Special Board shall accord a presumption of validity to the recommendations of Presidential Emergency Board

No. 219. The party requesting a modification of a particular Presidential Emergency Board recommendation shall bear the burden of persuasion with respect to the modification of such recommendation. In order to overcome such presumption of validity, the party requesting a modification must show that the Presidential Emergency Board recommendation is demonstrably inequitable or was based on a material error or material misunderstanding. No later than 30 days after the 10-day period described in subsection (c), the Special Board shall complete its review and issue a final determination on all requests made under subsection (c), modifying in whole or in part the recommendation of Presidential Emergency Board No. 219 as to which the request was made, or denying such request.

(e) EFFECT OF DETERMINATION.—Upon the expiration of 10 days after the issuance of the determination of the Special Board under subsection (d), such determination shall be binding on the parties and shall have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.).

(f) CLARIFICATION OF DETERMINATION.—In the event of disagreement as to the meaning of any part or all of the determination by the Special Board under subsection (d), or as to the terms of the detailed agreements or arrangements necessary to give effect thereto, any party may, by December 31, 1991, apply to the Special Board for clarification of its determination, whereupon the Special Board shall reconvene and shall promptly issue a further determination with respect to the matters raised by any application for clarification. Such further determination may, in the discretion of the Special Board, be made with or without a further hearing.

(g) PRECLUSION OF JUDICIAL REVIEW.—There shall be no judicial review of any report or determination of the Special Board under this section.

SEC. 4. MUTUAL AGREEMENTS PRESERVED.

Nothing in this joint resolution shall prevent a mutual written agreement to any terms and conditions different from those established by this joint resolution.

Approved April 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 222:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 17, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Apr. 18, Presidential statement.

Public Law 102-30
102d Congress

Joint Resolution

Apr. 18, 1991
[H.J. Res. 134]

To designate the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, as
"Jewish Heritage Week".

Whereas April 18, 1991, and May 7, 1992 mark the forty-third and forty-fourth anniversaries of the founding of the State of Israel; Whereas the months of April and May contain events of major significance in the Jewish calendar, including Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in this Nation contributes to the unity of this Nation; and

Whereas understanding among ethnic groups in this Nation may be fostered further through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jewish people to this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks of April 14 through 21, 1991, and May 3 through 10, 1992, are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies, activities, and programs.

Approved April 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 134:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 11, considered and passed House and Senate.

Public Law 102-31
102d Congress

Joint Resolution

To designate the week of April 15 through 21, 1991, as "National Education First Week".

Apr. 18, 1991
[H.J. Res. 197]

- Whereas the economic success and democratic vitality of the United States in the coming millenium depends principally on the Nation's ability to provide a world class education from kindergarten through 12th grade;
- Whereas all people of the United States have the right to a fulfilling, free, and safe elementary and secondary education that will enable them to be productive, skilled, and literate citizens;
- Whereas the United States today faces an unprecedented education crisis in which students fail to graduate from high school at a rate of 3,000 students a day (or more than 1,000,000 students a year) for the general population, and 46 percent for Black and Hispanic students;
- Whereas 26,000,000 people in the United States are functionally illiterate, and only 40 percent of the Nation's students are able to solve math problems requiring 2 or more steps;
- Whereas international competitors are outpacing the United States in preparing their students for the 21st century, as evidenced by data indicating that a Japanese student spends 30 percent more time in school than a student in the United States and that Japan has a literacy rate of almost 98 percent;
- Whereas the education crisis of the United States places great strains on the Nation's economic, social, and political fabric, as evidenced by data indicating that 80 percent of prisoners are high school dropouts, 77 percent of college graduates (but only 37 percent of individuals with not more than an 8th grade education) voted in the 1988 presidential election, and only 3 percent of the Nation's high school graduates can interpret distinctions among employee benefits plans;
- Whereas the Nation's education crisis has reached such damaging proportions that only a coordinated, long-term effort by all sectors of the United States, including business, government, media, labor, and educators, can adequately address the challenge;
- Whereas the media, including the television networks, the motion picture studios, and the cable television networks, are powerful tools to influence and arouse the public to a better understanding of the scope and severity of the education crisis, as well as to potential grassroots and legislative solutions to the crisis;
- Whereas the commitment of the television networks to promote Education First Week represents the single greatest commitment of broadcast resources in the history of the television medium to address a national problem;
- Whereas Education First Week presents a unique opportunity to mobilize national and local political and public awareness through the media and is a significant step in confronting the Nation's education crisis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 15 through 21, 1991, is designated as "National Education First Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Approved April 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 197:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 11, considered and passed House and Senate.

Public Law 102-32
102d Congress

An Act

To authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public.

Apr. 23, 1991
[S. 534]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

31 USC 5111
note.

The Congress finds that—

(1) General H. Norman Schwarzkopf, Commander-in-Chief, United States Central Command, has valiantly directed United States and coalition armed forces in Operation Desert Storm, culminating in the successful liberation of the nation of Kuwait pursuant to United Nations resolutions;

(2) the United States and coalition forces under the command of General Schwarzkopf quickly, decisively, and completely defeated the fourth largest ground army in the world, while minimizing coalition casualties and collateral civilian damage;

(3) the United States and coalition forces under the command of General Schwarzkopf achieved the correct and justified objectives established by the President and the heads of State and governments of coalition forces;

(4) the victory of United States and coalition forces successfully liberated the people of Kuwait, leading to greater stability and order in the region;

(5) the logistics train established to support Operation Desert Storm was fundamental to the success of the coalition effort; and

(6) General Schwarzkopf, together with his able staff and subordinate commanders, has led the men and women of the Armed Forces of the United States in an achievement unparalleled in United States military history.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

31 USC 5111
note.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to General H. Norman Schwarzkopf a gold medal of appropriate design in recognition of his exemplary performance as a military leader in coordinating the planning, strategy, and execution of the United States combat action and his invaluable contributions to the United States and to the liberation of Kuwait as Commander-in-Chief, United States Central Command.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter referred to in this Act as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

31 USC 5111
note.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

31 USC 5111
note.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

31 USC 5111
note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated not to exceed \$30,000 to carry out section 2.

(b) **PROCEEDS OF SALES.**—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

Approved April 23, 1991.

LEGISLATIVE HISTORY—S. 534:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 21, considered and passed Senate.
Apr. 11, considered and passed House.

Public Law 102-33
102d Congress

An Act

To authorize the President to award a gold medal on behalf of the Congress to General Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

Apr. 23, 1991
[S. 565]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

31 USC 5111
note.

The Congress finds that:

(1) General Colin L. Powell, the Chairman of the Joint Chiefs, the principal military adviser to the President, the National Security Council, and the Secretary of Defense has displayed an extraordinary degree of leadership, competence and professionalism fulfilling his statutory responsibilities throughout Operation Desert Shield and Operation Desert Storm.

(2) The leadership, competence and professionalism of General Powell and his subordinates, officers and noncommissioned officers, have instilled great confidence and pride in the Armed Forces of the United States which contributed significantly to the successful prosecution of the Persian Gulf War.

(3) General Powell and his subordinates brilliantly planned and coordinated at the national level the highly rapid and successful mobilization and deployment of more than one-half million men and women of the Armed Forces of the United States to the Persian Gulf region.

(4) General Powell's leadership and foresight were directly responsible for insuring that sufficient military forces and logistics were committed to the foregoing operations in a timely manner to bring about a swift and decisive military victory with casualties and loss of life at levels so low as to be unprecedented in the annals of military operations by any nation.

(5) The superb coordination among allied forces and the unique and exceptional command arrangements which produced the highly effective chain of command within the allied coalition is directly attributed to the military competence, and extraordinary leadership of General Powell.

(6) As the principal military advisor to the President of the United States, the National Security Council, and the Secretary of Defense, General Powell's clear and farsighted assessments, judgments and recommendations were invaluable and instrumental in the timely and decisive military actions directed by the President which resulted in Iraqi compliance with all United Nations resolutions related to the Iraqi invasion and occupation of Kuwait.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

31 USC 5111
note.

(a) **PRESENTATION AUTHORIZED.**—The President is authorized to present, on behalf of the Congress, to General Colin L. Powell a gold medal of appropriate design in recognition of his exemplary

performance as a military leader and advisor to the President in planning and coordinating the military response of the United States to the Iraqi invasion of Kuwait and the ultimate retreat and defeat of Iraqi forces and Iraqi acceptance of all United Nations Resolutions relating to Kuwait.

(b) **DESIGN AND STRIKING.**—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter referred to in this Act as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

31 USC 5111
note.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike bronze duplicates of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and may sell such bronze duplicates at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

31 USC 5111
note.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

31 USC 5111
note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated not to exceed \$30,000 to carry out section 2.

(b) **PROCEEDS OF SALES.**—Amounts received from sales of duplicate bronze medals under section 3 shall be credited to the appropriation made pursuant to the authorization provided in subsection (a).

Approved April 23, 1991.

LEGISLATIVE HISTORY—S. 565:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 21, considered and passed Senate.
Apr. 11, considered and passed House.

Public Law 102-34
102d Congress

Joint Resolution

To designate April 22, 1991, as "Earth Day" to promote the preservation of the global environment.

Apr. 23, 1991
[S.J. Res. 119]

Whereas the world faces an international environmental crisis which demands the attention of citizens of every nation of the world, including the United States, so that alliances can be built that transcend the boundaries dividing countries, continents, and cultures;

Whereas there is a need to confront environmental problems of increasing severity, including climate change, depletion of the stratospheric ozone layer, loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution, ocean pollution, and hazardous and solid waste buildup;

Whereas it is important that the next generation be guided by a conservation ethic in all of its relations with nature;

Whereas education and understanding is necessary for individuals to recognize the environmental impact of daily living and to become environmentally responsible consumers by conserving energy, increasing recycling efforts, and promoting environmental responsibility in communities;

Whereas major public policy initiatives are necessary to cure the causes of environmental degradation, such as eliminating the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and initiating sustainable development throughout the world;

Whereas nearly 21 years ago, millions of individuals in the United States joined together on Earth Day to express an unprecedented concern for the environment, and such collective action resulted in the passage of sweeping laws to protect the air, water, and land;

Whereas the 1990's should be observed as the "International Environmental Decade" in order to forge an international alliance in response to global environmental problems; and

Whereas to inaugurate the new environmental decade, individuals should again stand together in cities, towns, and villages around the world for a day of collective action to declare a shared resolve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 22, 1991 is designated as "Earth Day", and the people of the United States are called upon to observe the day with appropriate ceremonies and activities in our grade schools, high schools, colleges and local communities with the objective of making every day Earth Day.

Approved April 23, 1991.

LEGISLATIVE HISTORY—S.J. Res. 119:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 11, considered and passed Senate.

Apr. 17, considered and passed House.

Public Law 102-35
102d Congress

Joint Resolution

Designating the Week of April 21-27, 1991, as "National Crime Victims' Rights Week".

Apr. 24, 1991
[S.J. Res. 16]

Whereas thirty-five million individuals in the United States are victimized by crime each year, with six million falling prey to violence;

Whereas the Department of Justice estimates that five out of six individuals will be the victim or intended victim of crime during their lifetimes;

Whereas many victims suffer severe psychological, physical, and emotional hardships as a result of victimizations;

Whereas the Nation must commit its collective energies to improving the criminal justice and social services response to victims; and

Whereas, as a Nation committed to justice and liberty for all, efforts must be continued to remove the inequities victims face and to protect and restore individual rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21 through April 27, 1991, is designated as "National Crime Victims' Rights Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Approved April 24, 1991.

LEGISLATIVE HISTORY—S.J. Res. 16:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 9, considered and passed Senate.

Apr. 17, considered and passed House.

Public Law 102-36
102d Congress

Joint Resolution

Apr. 26, 1991
[H.J. Res. 218]

To designate the week beginning April 21, 1991, and the week beginning April 19, 1992, each as "National Organ and Tissue Donor Awareness Week".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 21, 1991, and the week beginning April 19, 1992, are each designated "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

Approved April 26, 1991.

LEGISLATIVE HISTORY—H.J. Res. 218 (S.J. Res. 86):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 17, considered and passed House.

Apr. 18, H.J. Res. 218 and S.J. Res. 86 considered and passed Senate.

Public Law 102-37
102d Congress

Joint Resolution

To authorize the President to proclaim the last Friday of April 1991, as "National Arbor Day".

Apr. 26, 1991
[S.J. Res. 64]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1991, as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

Approved April 26, 1991.

LEGISLATIVE HISTORY—S.J. Res. 64:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Feb. 26, considered and passed Senate.
Apr. 17, considered and passed House.

Public Law 102-38
102d Congress

Joint Resolution

May 3, 1991
[S.J. Res. 98]

To express appreciation for the benefit brought to the Nation by Amtrak during its twenty years of existence.

Whereas May 1, 1991, will mark the twentieth anniversary of the commencement of intercity rail passenger service by the National Railroad Passenger Corporation, better known as Amtrak;

Whereas Amtrak has dramatically improved both the quality and the economics of rail passenger service in the past twenty years and provides a marketable and highly desired national transportation service, with over two hundred and twenty trains each day operating over twenty-four thousand track miles through forty-four States;

Whereas Amtrak carries passengers more miles and longer distances than carried by all the passenger railroads in 1970 prior to the establishment of Amtrak, provides transportation to nearly twenty-two million intercity and eighteen million commuter passengers each year, and serves as a vital national transportation link to rural America, which increasingly is losing other modes of public transportation;

Whereas Amtrak employs nearly twenty-four thousand railroad employees, who cumulatively earn over \$1,000,000,000 in annual taxable income, and procures over \$350,000,000 in goods and services from domestic companies across the country;

Whereas the country is witnessing a remarkable resurgence in support for a national rail passenger system, reflected by trains that frequently are sold out far in advance of departure and by increasing demands across the country for additional Amtrak service;

Whereas Amtrak is now covering over 80 percent of its operating costs without Federal support compared to just 50 percent in 1981, and is committed to covering 100 percent of its operating costs by the year 2000;

Whereas rail passenger service increasingly is recognized as a critical element of a balanced national transportation system and as an energy efficient, environmentally benign alternative to growing highway and airport congestion;

Whereas Congress has repeatedly been required to preserve funding for a national rail passenger system in the face of proposals to eliminate Federal assistance for Amtrak, and is proud of the success Amtrak has achieved in providing increasingly better service at less cost to the Federal taxpayer; and

Whereas Amtrak has a critical role to play in the future of the Nation's surface transportation system, as the operator of both conventional and high-speed rail systems, new systems based on magnetic levitation, and contract commuter rail systems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the creation

of Amtrak had the important effect of preserving a national rail passenger system and of providing Americans with an energy efficient, environmentally preferable transportation alternative, and that the need for a balanced national transportation system in this country dictates that Federal and State transportation planners consider the many advantages of improved rail passenger service as they look to addressing national and regional transportation concerns.

Approved May 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 98:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 23, considered and passed Senate.

Apr. 24, considered and passed House.

Public Law 102-39
102d Congress

Joint Resolution

May 3, 1991

[S.J. Res. 102]

Designating the second week in May 1991 as "National Tourism Week".

Whereas travel and tourism is the third largest retail industry and the second largest private employer in the United States, generating nearly six million jobs and indirectly employing another two million six hundred and forty thousand Americans;

Whereas total travel expenditures in the United States amount to more than \$350,000,000,000 annually, or about 6.5 percent of the gross national product;

Whereas tourism is an essential American export, as thirty-eight million seven hundred thousand foreign travelers spend approximately \$44,000,000,000 annually in the United States;

Whereas development and promotion of tourism have brought new industries, jobs and economic revitalization to cities and regions across the United States;

Whereas tourism contributes substantially to personal growth, education, appreciation of intercultural differences, and the enhancement of international understanding and good will; and

Whereas the abundant natural and manmade attractions of the United States and the hospitality of the American people establish the United States as the preeminent destination for both foreign and domestic travelers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning the first Sunday in May 1991 is designated as "National Tourism Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

Approved May 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 102:**CONGRESSIONAL RECORD, Vol. 137 (1991):**

Apr. 17, considered and passed Senate.

Apr. 24, considered and passed House.

Public Law 102-40
102d Congress

An Act

To amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

May 7, 1991
[H.R. 598]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) **SHORT TITLE.**—This Act may be cited as the “Department of Veterans Affairs Health-Care Personnel Act of 1991”.

(b) **REFERENCES TO TITLE 38.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

Department of
Veterans Affairs
Health-Care
Personnel Act of
1991.
Government
employees.
38 USC 101 note.

SEC. 2. RENAMING OF VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION.

(a) **RENAMING.**—The establishment in the Department of Veterans Affairs known as the Veterans Health Services and Research Administration is hereby redesignated as the Veterans Health Administration.

(b) **REFERENCES.**—Any reference to the Veterans Health Services and Research Administration (or to the Department of Medicine and Surgery of the Veterans’ Administration) in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Veterans Affairs shall be deemed to refer to the Veterans Health Administration.

38 USC 201 note.

TITLE I—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

SEC. 101. SHORT TITLE.

This title may be cited as the “Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991”.

SEC. 102. REVISION AND REORGANIZATION OF SPECIAL PAY STATUTE.

Part V is amended by inserting after chapter 73 the following new chapter:

**“CHAPTER 74—VETERANS HEALTH ADMINISTRATION—
PERSONNEL**

“SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

“7431. Special pay: authority.

“7432. Special pay: written agreements.

“7433. Special pay: full-time physicians.

“7434. Special pay: part-time physicians.

Department of
Veterans Affairs
Physician and
Dentist
Recruitment and
Retention Act of
1991.
38 USC 101 note.

"7435. Special pay: full-time dentists.

"7436. Special pay: part-time dentists.

"7437. Special pay: general provisions.

"7438. Special pay: coordination with other benefits laws.

"7439. Periodic review of pay of physicians and dentists; quadrennial report.

"7440. Annual report.

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"§ 7431. Special pay: authority

Regulations.

"(a) In order to recruit and retain highly qualified physicians and dentists in the Veterans Health Administration, the Secretary shall provide special pay under this subchapter. Such special pay shall be provided under regulations that the Secretary shall prescribe to carry out this subchapter. Before prescribing regulations under this subchapter, the Secretary shall receive the recommendations of the Chief Medical Director with respect to those regulations.

"(b) Special pay may be paid to a physician or dentist under this subchapter only upon the execution of, and for the duration of, a written agreement entered into by the physician or dentist in accordance with section 7432 of this title.

"(c) A physician or dentist serving a period of obligated service pursuant to chapter 76 of this title is not eligible for special pay under this subchapter during the first three years of such obligated service, except that, at the discretion of the Secretary and upon the recommendation of the Chief Medical Director, such a physician or dentist may be paid special pay for full-time status during those three years.

"(d)(1) The Secretary may determine categories of positions applicable to either physicians or dentists, or both, in the Veterans Health Administration as to which there is no significant recruitment and retention problem. While any such determination is in effect, the Secretary may not enter into an agreement under this subchapter with a physician or dentist serving in a position covered by the determination. Before making a determination under this paragraph, the Secretary shall receive the recommendations of the Chief Medical Director with respect to the determination.

"(2) Not later than one year after making any such determination with respect to a category of positions, and each year thereafter that such determination remains in effect, the Secretary shall make a redetermination.

"(3) Any determination under this subsection shall be in accordance with regulations prescribed to carry out this subchapter.

"(e) If the Chief Medical Director determines that payment of special pay to a physician or dentist who is employed on a less than half-time basis is the most cost-effective way available for providing needed medical or dental specialist services at a Department facility, the Chief Medical Director may authorize the payment of special pay for factors other than for full-time status to that physician or dentist at a rate computed on the basis of the proportion that the part-time employment of the physician or dentist bears to full-time employment.

"(f) Special pay may not be paid under this section to a physician or dentist who—

"(1) is employed on less than a quarter-time basis or on an intermittent basis;

"(2) occupies an internship or residency training position; or

“(3) is a reemployed annuitant.

“(g)(1) In the case of a physician or dentist who is employed in a position that is covered by a determination by the Secretary under subsection (d)(1) that the Administration does not have a significant recruitment or retention problem with respect to a particular category of positions and who on the day before the effective date of this subchapter was receiving special pay under an agreement entered into under section 4118 of this title (as in effect before such date), the Secretary may pay to that physician or dentist, in addition to basic pay, retention pay under this subsection.

“(2) The annual rate of such retention pay for any individual may not exceed the rate which, when added to the rate of basic pay payable to that individual, is equal to the sum of the annual rate of basic pay and the annual rate of special pay paid to that physician or dentist pursuant to the final agreement with that individual under such section 4118.

“(3) Such retention pay shall be treated for all purposes as special pay paid under subchapter III of chapter 74 of this title.

“(4) Retention pay under this subsection shall be paid under such regulations as the Secretary may prescribe.

“§ 7432. Special pay: written agreements

“(a) An agreement entered into by a physician or dentist under this subchapter shall cover a period of one year of service in the Veterans Health Administration unless the physician or dentist agrees to an agreement for a longer period of service, not to exceed four years, as specified in the agreement. A physician or dentist who has previously entered into such an agreement is eligible to enter into a subsequent agreement unless the physician or dentist has failed to refund to the United States any amount which the physician or dentist is obligated to refund under any such previous agreement.

“(b)(1) An agreement under this subchapter shall provide that, if the physician or dentist entering into the agreement voluntarily, or because of misconduct, fails to complete any of the years of service covered by the agreement (measured from the anniversary date of the agreement), the physician or dentist shall refund an amount of special pay received under the agreement for that year equal to—

“(A) in the case of a failure during the first year of service under the agreement, 100 percent of the amount received for that year;

“(B) in the case of a failure during the second year of service under the agreement, 75 percent of the amount received for that year;

“(C) in the case of a failure during the third year of service under the agreement, 50 percent of the amount received for that year; and

“(D) in the case of a failure during the fourth year of service under the agreement, 25 percent of the amount received for that year.

“(2) The Secretary may waive (in whole or in part) the requirement for a refund under paragraph (1) in any case if the Secretary determines (in accordance with regulations prescribed under section 7431(a) of this title) that the failure to complete such period of service is the result of circumstances beyond the control of the physician or dentist.

“(3) Any such agreement shall specify the terms under which the Department and the physician or dentist may elect to terminate the agreement.

“(c)(1) If a proposed agreement under this subchapter will provide a total annual amount of special pay to be provided to a physician or dentist who has previously entered into an agreement under this subchapter (or under section 4118 of this title as in effect before the effective date of the Department of Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991) that will exceed the previous annual amount of special pay provided for the physician or dentist by more than 50 percent (other than in the case of a physician or dentist employed in an executive position in the Central Office of the Department), or that will be less than the previous annual amount of special pay provided for the physician or dentist by more than 25 percent, the proposed agreement shall be promptly submitted to the Secretary. The proposed agreement shall not take effect if it is disapproved by the Secretary within 60 days after the date on which the physician or dentist entered into the proposed agreement.

“(2) For purposes of paragraph (1), the previous annual amount of special pay provided for a physician or dentist is the total annual amount of special pay provided, or to be provided, to the physician or dentist for the most recent year covered by an agreement entered into by the physician or dentist under this subchapter or under section 4118 of this title. In the case of an agreement entered into under section 4118 of this title, incentive pay shall be treated as special pay for purposes of this paragraph.

“(3) The Secretary shall adjust special pay as necessary for purposes of this subsection to reflect appropriately any change in the status of a physician or dentist (A) from full-time status to part-time status, (B) from part-time status to full-time status, or (C) from one proportion of time spent as a Department employee under part-time status employment to a different proportion.

“(d)(1) If a proposed agreement under this subchapter (other than an agreement in the case of the Chief Medical Director) will provide a total annual amount of special pay to be provided to a physician or dentist which, when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5, the proposed agreement shall be promptly submitted for approval to the Secretary through the Chief Medical Director. The agreement shall take effect at the end of the 60-day period beginning on the date on which the physician or dentist entered into the proposed agreement if it is neither approved nor disapproved within that 60-day period. If the agreement is approved within that period, the agreement shall take effect as of the date of the approval. A proposed agreement may be disapproved under this paragraph only if it is determined that the amounts of special pay proposed to be paid are not necessary to recruit or retain the physician or dentist.

“(2) A proposed agreement under this subchapter with the Chief Medical Director may provide for payment of special pay for which the Chief Medical Director is eligible under this subchapter (other than that specified in section 7433(b)(4)(B) of this title) only to the extent specifically approved by the Secretary.

“(3) The Secretary shall include in the annual report required by section 7440 of this title—

Effective date.

“(A) a statement of the number of agreements entered into during the period covered by the report under which the total amount of special pay to be provided, when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5;

“(B) a statement of the number of proposed agreements which during the period covered by the report were disapproved under this subsection; and

“(C) a detailed explanation of the basis for disapproval of each such proposed agreement which was disapproved under this subsection.

“(4) This subsection does not apply to any proposed agreement entered into after September 30, 1994.

“§ 7433. Special pay: full-time physicians

“(a) The Secretary shall provide special pay under this subchapter to eligible physicians employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

“(b) The special pay factors, and the annual rates, applicable to full-time physicians are as follows:

“(1) For full-time status, \$9,000.

“(2)(A) For length of service as a physician within the Veterans Health Administration—

“Length of Service	Rate	
	Mini- mum	Maxi- mum
2 years but less than 4 years	\$4,000	\$ 6,000
4 years but less than 8 years	6,000	12,000
8 years but less than 12 years	12,000	18,000
12 years or more.....	12,000	25,000

“(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

“(3)(A) For service in a medical specialty with respect to which there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians, an annual rate of not more than \$40,000.

“(B) For service by a physician who serves only a portion of a year in a medical specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

“(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

"Position	Rate	
	Mini- mum	Maxi- mum
Service Chief (or in a comparable position as determined by the Secretary).	\$4,500	\$15,000
Chief of Staff or in an Executive Grade	14,500	25,000
Director Grade.....	0	25,000

"(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

"Position	Rate
"Deputy Service Director	\$20,000
"Service Director	25,000
"Deputy Assistant Chief Medical Director	27,500
"Assistant Chief Medical Director	30,000
"Associate Deputy Chief Medical Director	35,000
"Deputy Chief Medical Director	40,000
"Chief Medical Director	45,000

"(C) For service by a physician who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty certification or first board certification, \$2,000, and for subspecialty certification or secondary board certification, an additional \$500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, an annual rate of not more than \$17,000.

"(7)(A) For service by a physician with exceptional qualifications within a specialty, an annual rate of not more than \$15,000.

"(B) Special pay under this paragraph may be paid to a physician only if the payment of such pay to that physician is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that physician under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a physician with the same length of service, specialty, and position as the physician concerned.

"§ 7434. Special pay: part-time physicians

"(a) Subject to section 7431(e) of this title and subsection (b) of this section, special pay under this subchapter for physicians employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 7433 of this title.

"(b) The annual rate of special pay paid to a physician employed on a part-time basis shall bear the same ratio to the annual rate that the physician would be paid under section 7433 (other than for full-time status) if the physician were employed on a full-time basis as the amount of part-time employment by the physician bears to full-time employment, except that such ratio may not exceed 3/4.

“§ 7435. Special pay: full-time dentists

“(a) The Secretary shall provide special pay under this subchapter to eligible dentists employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

“(b) The special pay factors, and the annual rates, applicable to full-time dentists are as follows:

“(1) For full-time status, \$3,500.

“(2)(A) For length of service as a dentist within the Veterans Health Administration—

“Length of Service	Rate	
	Mini- mum	Maxi- mum
2 years but less than 4 years	\$1,000	\$2,000
4 years but less than 8 years	2,000	3,000
8 years but less than 12 years	3,000	3,500
12 years or more.....	3,000	4,000

“(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

“(3)(A) For service in a dental specialty with respect to which there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified dentists, an annual rate of not more than \$20,000.

“(B) For service by a dentist who serves only a portion of a year in a dental specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

“(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

“Position	Rate	
	Mini- mum	Maxi- mum
Service Director.....	\$1,000	\$9,000
Deputy Service Director	1,000	8,000
Chief of Staff or in an Executive Grade	1,000	8,000
Director Grade.....	0	8,000
Service Chief (or in a comparable position as determined by the Secretary).	1,000	5,000

“(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

“Position	Rate
Assistant Chief Medical Director (or in a comparable position as determined by the Secretary).	\$10,000
Deputy Assistant Chief Medical Director	10,000

“(C) For service by a dentist who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

“(5) For specialty or first board certification, \$2,000 and for subspecialty or secondary board certification, an additional \$500.

“(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, an annual rate not more than \$5,000.

“(7)(A) For service by a dentist with exceptional qualifications within a specialty, an annual rate of not more than \$5,000.

“(B) Special pay under this paragraph may be paid to a dentist only if the payment of such pay to that dentist is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that dentist under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a dentist with the same length of service, specialty, and position as the dentist concerned.

“§ 7436. Special pay: part-time dentists

“(a) Subject to section 7431(e) of this title and subsection (b) of this section, special pay under this subchapter for dentists employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 7435 of this title.

“(b) The annual rate of special pay paid to a dentist employed on a part-time basis shall bear the same ratio to the annual rate that the dentist would be paid under section 7435 of this title (other than for full-time status) if the dentist were employed on a full-time basis as the amount of part-time employment by the dentist bears to full-time employment, except that such ratio may not exceed 3/4.

“§ 7437. Special pay: general provisions

“(a) A physician who is provided special pay for service in an executive position under paragraph (4)(B) of section 7433(b) of this title may not also be provided scarce specialty special pay under paragraph (3) of that section. A dentist who is provided special pay for service in an executive position under paragraph (4) of section 7435(b) of this title for service as a Service Director, Deputy Service Director, Deputy Assistant Chief Medical Director, or Assistant Chief Medical Director may not also be provided scarce specialty special pay under paragraph (3) of that section.

“(b) The following determinations under this subchapter shall be made under regulations prescribed under section 7431 of this title:

“(1) A determination that there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty.

Regulations.

“(2) A determination of the rate of special pay to be paid to a physician or dentist for a factor of special pay for which the applicable rate is specified as a range of rates.

“(3) A determination of whether there are extraordinary difficulties in a specific geographic location in the recruitment or retention of qualified physicians in a specific category of physicians or in the recruitment or retention of qualified dentists in a specific category of dentists.

“(c) A determination for the purposes of this subchapter that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty, or in the recruitment or retention of qualified dentists in a dental specialty, on the basis of the needs of a specific medical facility may only be made upon the request of the director of that facility.

“(d) A physician or dentist may not be provided scarce specialty pay under section 7433(b), 7434(b), 7435(b), or 7436(b) of this title (whichever is applicable) on the basis of the needs of a specific medical facility unless the Secretary also determines that geographic location pay under that section is insufficient to meet the needs of that facility for qualified physicians or dentists, as the case may be.

“(e)(1) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

“(A) is employed on a full-time basis in the Veterans Health Administration;

“(B) was employed as a physician or dentist on a full-time basis in the Administration on the day before such effective date; and

“(C) on such effective date was being paid only for the special-pay factors of primary, full-time, and length of service.

“(2) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

“(A) is employed on a part-time basis in the Veterans Health Administration;

“(B) was employed as a physician or dentist on a part-time basis in the Administration on the day before such effective date; and

“(C) on such effective date was being paid only for the special-pay factors of primary and length of service.

“(f) Any amount of special pay payable under this subchapter shall be paid in equal installments in accordance with regularly established pay periods.

“(g) Except as otherwise expressly provided by law, special pay may not be provided to a physician or dentist in the Veterans Health Administration for any factor not specified in section 7433, 7434, 7435, or 7436, as applicable, of this title.

“(h) In no case may the total amount of compensation paid to a physician or dentist under this title in any year exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3.

“§ 7438. Special pay: coordination with other benefits laws

“(a) Special pay paid under this subchapter shall be in addition to any other pay and allowances to which a physician or dentist is entitled.

“(b)(1) A physician or dentist who has no section 4118 service and has completed not less than 15 years of service as a physician or dentist in the Veterans Health Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84 of title 5, as appropriate.

“(2) A physician or dentist who has section 4118 service and has completed a total of not less than 15 years of service as a physician or dentist in the Veterans Health Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 as follows:

“(A) In an amount equal to the amount that would have been so considered under section 4118 of this title on the day before the effective date of this section based on the rates of special pay the physician or dentist was entitled to receive under that section on the day before such effective date.

“(B) With respect to any amount of special pay received under this subchapter in excess of the amount such physician or dentist was entitled to receive under section 4118 of this title on the day before the effective date of this section, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after the effective date of this section.

“(3) All special pay paid under this subchapter shall be included in average pay (as defined in sections 8331(4) or 8401(3) of title 5, as appropriate) for purposes of computing benefits paid under section 8337, 8341 (d) or (e), 8442(b), 8443, or 8451 of such title.

“(4) Special pay paid under section 4118 of this title, as in effect before the effective date of this section, to a physician or dentist who has section 4118 service shall be credited to the physician or dentist for the same purposes and in the same manner and to the same extent that such special pay was credited to the physician or dentist before such effective date.

“(5) For purposes of this subsection:

“(A) The term ‘physician or dentist who has no section 4118 service’ means a physician or dentist employed as a physician or dentist in the Veterans Health Administration who has no previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

“(B) The term ‘physician or dentist who has section 4118 service’ means a physician or dentist employed as a physician or dentist in the Veterans Health Administration who has previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

“(C) Service in any predecessor entity of the Veterans Health Administration shall be considered to be service in the Veterans Health Administration.

“(c) Compensation paid as special pay under this subchapter or under an agreement entered into under section 4118 of this title (as in effect on the day before the effective date of the Department of

Veterans Affairs Physician and Dentist Recruitment and Retention Act of 1991) shall be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

“§ 7439. Periodic review of pay of physicians and dentists; quadrennial report

“(a) In order to make possible the recruitment and retention of a well-qualified work force of physicians and dentists capable of providing quality care for eligible veterans, it is the policy of Congress to ensure that the levels of total pay for physicians and dentists of the Veterans Health Administration are fixed at levels reasonably comparable—

“(1) with the levels of total pay of physicians and dentists employed by or serving in other departments and agencies of the Federal Government; and

“(2) with the income of non-Federal physicians and dentists for the performance of services as physicians and dentists.

“(b)(1) To assist the Congress and the President in carrying out the policy stated in subsection (a), the Secretary shall—

“(A) define the bases for pay distinctions, if any, among various categories of physicians and dentists, including distinctions between physicians and dentists employed by the Veterans Health Administration and physicians and dentists employed by other departments and agencies of the Federal Government and between all Federal sector and non-Federal sector physicians and dentists; and

“(B) obtain measures of income from the employment or practice of physicians and dentists outside the Administration, including both the Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for physicians and dentists of the Administration.

“(2) The Secretary shall submit to the President a report, on such date as the President may designate but not later than December 31, 1994, and once every four years thereafter, recommending appropriate rates of special pay to carry out the policy set forth in subsection (a) with respect to the pay of physicians and dentists in the Veterans Health Administration. The Secretary shall include in such report, when considered appropriate and necessary by the Secretary, recommendations for modifications of the special pay levels set forth in this subchapter whenever—

“(A) the Department is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists in the Administration because the incomes and other employee benefits, to the extent that those benefits are reasonably quantifiable, of physicians and dentists outside the Administration who perform comparable types of duties are significantly in excess of the levels of total pay (including basic pay and special pay) and other employee benefits, to the extent that those benefits are reasonably quantifiable, available to those physicians and dentists employed by the Administration; or

“(B) other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

“(c) The President shall include in the budget transmitted to the Congress under section 1105 of title 31 after the submission of each report of the Secretary under subsection (b)(2) recommendations with respect to the exact rates of special pay for physicians and
President.

dentists under this subchapter and the cost of those rates compared with the cost of the special pay rates in effect under this subchapter at the time the budget is transmitted.

“§ 7440. Annual report

“The Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives an annual report on the use of the authorities provided in this subchapter. The report shall be submitted each year as part of the budget justification documents submitted by the Secretary in support of the budget of the President submitted pursuant to section 1105 of title 31 that year. Each such report shall include the following:

“(1) A review of the use of the authorities provided in this subchapter (including the Secretary’s and Chief Medical Director’s actions, findings, recommendations, and other activities under this subchapter) during the preceding fiscal year and the fiscal year during which the report is submitted.

“(2) The plans for the use of the authorities provided in this subchapter for the next fiscal year.

“(3) A description of the amounts of special pay paid during the preceding fiscal year, shown by category of pay.

“(4) A list of those geographic areas, and those scarce specialties, for which special pay was paid during the preceding fiscal year, those for which special pay is being paid during the current fiscal year, and those for which special pay is expected to be paid during the next fiscal year, together with a summary of any differences among those three lists.

“(5) The number of physicians and dentists (A) who left employment with the Veterans Health Administration during the preceding year, (B) who changed from full-time status to part-time status, (C) who changed from part-time status to full-time status, as well as (D) a summary of the reasons therefor.

“(6) By specialty, the number of positions created and the number of positions abolished during the preceding fiscal year and a summary of the reasons for such actions.

“(7) The number of unfilled physician and dentist positions in each specialty in the Veterans Health Administration, the average and maximum lengths of time that such positions have been unfilled, and a summary of the reasons that such positions remain unfilled and, in the case of any specialty not designated as a scarce specialty for purposes of special pay under this subchapter, an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated.”

SEC. 103. OTHER COMPENSATION BENEFITS.

(a) **IN GENERAL.**—Subchapter I of chapter 74 (as added by section 401(b)(2)) is amended by adding at the end the following sections:

“§ 7410. Additional pay authorities

“The Secretary may authorize the Chief Medical Director to pay advance payments, recruitment or relocation bonuses, and retention allowances to the personnel described in paragraph (1) of section 7401 of this title, or interview expenses to candidates for appointment as such personnel, in the same manner, and subject to the same limitations, as in the case of the authority provided under sections 5524a, 5706b, 5753, and 5754 of title 5.

“§ 7411. Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses

“The Secretary shall reimburse any full-time board-certified physician or dentist appointed under section 7401(1) of this title for expenses incurred, up to \$1,000 per year, for continuing professional education.”.

(2) The table of sections at the beginning of chapter 74 (as amended by section 401(b)(1)(A)) is amended by inserting after the item relating to section 7409 the following:

“7410. Additional pay authorities.

“7411. Full-time board-certified physicians and dentists: reimbursement of continuing professional education expenses.”.

(b) **EFFECTIVE DATE.**—Section 7411 of title 38, United States Code, as added by subsection (a), shall apply with respect to expenses incurred for continuing professional education that is pursued after September 30, 1991.

38 USC 7411
note.

SEC. 104. EFFECTIVE DATE AND TRANSITION.

38 USC 7431
note.

(a) **EFFECTIVE DATE.**—Subchapter III of chapter 74 of title 38, United States Code, as added by section 102, shall take effect on the first day of the first pay period beginning after the earlier of—

(1) July 1, 1991; or

(2) the end of the 90-day period beginning on the date of the enactment of this Act.

(b) **TRANSITIONS PROVISIONS.**—(1) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires after the effective date specified in subsection (a), the Secretary of Veterans Affairs and the physician or dentist concerned may agree to terminate that agreement as of that effective date in order to permit a new agreement under subchapter III of chapter 74 of title 38, United States Code, as added by section 102, to take effect as of that effective date.

(2) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a), an extension or renewal of that agreement may not extend beyond that effective date.

(3) In the case of a physician or dentist who begins employment with the Department of Veterans Affairs during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a) who is eligible for an agreement under section 4118 of title 38, United States Code, any such agreement may not extend beyond that effective date.

(c) **SAVINGS PROVISION.**—Except as provided in subsection (b)(1), any agreement entered into under section 4118 of title 38, United States Code, before the effective date specified in subsection (a) shall remain in effect in accordance with its terms and shall be treated for all purposes in accordance with such section as in effect on the day before such effective date.

(d) **PROHIBITION OF RETROACTIVE AGREEMENTS.**—An agreement entered into under subchapter III of chapter 74 of title 38, United States Code, as added by section 102, may not provide special pay

with respect to a period before the effective date specified in subsection (a).

Department of
Veterans Affairs
Labor Relations
Improvement
Act of 1991.
38 USC 101 note.

TITLE II—LABOR-MANAGEMENT RELATIONS

SEC. 201. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Labor Relations Improvement Act of 1991".

SEC. 202. COLLECTIVE BARGAINING FOR TITLE 38 EMPLOYEES.

Chapter 74, as added by section 102, is amended by inserting before subchapter III the following:

"SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

"§ 7421. Personnel administration: in general

Regulations.

"(a) Notwithstanding any law, Executive order, or regulation, the Secretary shall prescribe by regulation the hours and conditions of employment and leaves of absence of employees appointed under any provision of this chapter in positions in the Veterans Health Administration listed in subsection (b).

"(b) Subsection (a) refers to the following positions:

- "(1) Physicians.
- "(2) Dentists.
- "(3) Podiatrists.
- "(4) Optometrists.
- "(5) Registered nurses.
- "(6) Physician assistants.
- "(7) Expanded-duty dental auxiliaries.

"§ 7422. Collective bargaining

"(a) Except as otherwise specifically provided in this title, the authority of the Secretary to prescribe regulations under section 7421 of this title is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5 (relating to labor-management relations).

"(b) Such collective bargaining (and any grievance procedures provided under a collective bargaining agreement) in the case of employees described in section 7421(b) of this title may not cover, or have any applicability to, any matter or question concerning or arising out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title.

"(c) For purposes of this section, the term 'professional conduct or competence' means any of the following:

- "(1) Direct patient care.
- "(2) Clinical competence.

"(d) An issue of whether a matter or question concerns or arises out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title shall be decided by the Secretary and is not itself subject to collective bargaining and may not be reviewed by any other agency.

“(e) A petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving employees described in section 7421(b) of this title or arising out of the applicability of chapter 71 of title 5 to employees in those positions, shall be taken only in the United States Court of Appeals for the District of Columbia Circuit.

“§ 7423. Personnel administration: full-time employees

“(a) The hours of employment in carrying out responsibilities under this title of any employee who is appointed in the Administration under any provision of this chapter on a full-time basis in a position listed in section 7421(b) of this title (other than an intern or resident appointed pursuant to section 7406 of this title) and who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title shall consist of not less than 80 hours in a biweekly pay period (as that term is used in section 5504 of title 5).

“(b) A person covered by subsection (a) may not do any of the following:

“(1) Assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Department facility, except in those cases where the person, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed 180 calendar days, which may be extended by the Chief Medical Director for additional periods not to exceed 180 calendar days each.

“(2) Teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with such person’s responsibilities under this title.

“(3) Accept payment under any insurance or assistance program established under title XVIII or XIX of the Social Security Act or under chapter 55 of title 10 for professional services rendered by such person while carrying out such person’s responsibilities under this title.

“(4) Accept from any source, with respect to any travel performed by such person in the course of carrying out such person’s responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5.

“(5) Request or permit any individual or organization to pay, on such person’s behalf for insurance insuring such person against malpractice claims arising in the course of carrying out such person’s responsibilities under this title or for such person’s dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of such person’s remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title.

“(6) Perform, in the course of carrying out such person’s responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for such person’s personal benefit, or both.

Colleges and
universities.
Records.

“(c) In the case of any fund or account described in subsection (b)(6) that was established before September 1, 1973—

“(1) the affiliated institution shall submit semiannually an accounting to the Secretary and to the Comptroller General of the United States with respect to such fund or account and shall maintain such fund or account subject to full public disclosure and audit by the Secretary and the Comptroller General for a period of three years or for such longer period as the Secretary shall prescribe, and

“(2) no person in a position specified in paragraph (1)(B) may receive any cash from amounts deposited in such fund or account derived from services performed before that date.

“(d) As used in this section:

“(1) The term ‘affiliated institution’ means a medical school or other institution of higher learning with which the Secretary has a contract or agreement as referred to in section 7313 of this title for the training or education of health personnel.

“(2) The term ‘remuneration’ means the receipt of any amount of monetary benefit from any non-Department source in payment for carrying out any professional responsibilities.”.

SEC. 203. ADVERSE PERSONNEL ACTIONS.

(a) REFORM OF DISCIPLINARY PROCEDURES FOR SECTION 7401(1) EMPLOYEES.—Chapter 74, as added by section 102 and amended by section 202, is further amended by adding at the end the following:

“SUBCHAPTER V—DISCIPLINARY AND GRIEVANCE PROCEDURES

“§ 7461. Adverse actions: section 7401(1) employees

“(a) Whenever the Chief Medical Director (or an official designated by the Chief Medical Director) brings charges based on conduct or performance against a section 7401(1) employee and as a result of those charges an adverse personnel action is taken against the employee, the employee shall have the right to appeal the action.

“(b)(1) If the case involves or includes a question of professional conduct or competence in which a major adverse action was taken, such an appeal shall be made to a Disciplinary Appeals Board under section 7462 of this title.

“(2) In any other case, such an appeal shall be made—

“(A) through Department grievance procedures under section 7463 of this title, in any case that involves or includes a question of professional conduct or competence in which a major adverse action was not taken or in any case of an employee who is not covered by a collective bargaining agreement under chapter 71 of title 5; or

“(B) through grievance procedures provided through collective bargaining under chapter 71 of title 5 or through Department grievance procedures under section 7463 of this title, as the employee elects, in the case of an employee covered by a collective bargaining agreement under chapter 71 of title 5 that does not involve or include a question of professional conduct or competence.

“(c) For purposes of this subchapter—

“(1) Section 7401(1) employees are employees of the Department employed on a full-time basis under a permanent appoint-

ment in a position listed in section 7401(1) of this title (other than interns and residents appointed pursuant to section 7406 of this title).

“(2) A major adverse action is an adverse action which includes any of the following:

“(A) Suspension.

“(B) Transfer.

“(C) Reduction in grade.

“(D) Reduction in basic pay.

“(E) Discharge.

“(3) A question of professional conduct or competence is a question involving any of the following:

“(A) Direct patient care.

“(B) Clinical competence.

“(d) An issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency.

“(e) Whenever the Secretary proposes to prescribe regulations under this subchapter, the Secretary shall publish the proposed regulations in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

Federal
Register,
publication.

“§ 7462. Major adverse actions involving professional conduct or competence

“(a)(1) Disciplinary Appeals Boards appointed under section 7464 of this title shall have exclusive jurisdiction to review any case—

“(A) which arises out of (or which includes) a question of professional conduct or competence of a section 7401(1) employee; and

“(B) in which a major adverse action was taken.

“(2) The board shall include in its record of decision in any mixed case a statement of the board's exclusive jurisdiction under this subsection and the basis for such exclusive jurisdiction.

“(3) For purposes of paragraph (2), a mixed case is a case that includes both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence.

“(b)(1) In any case in which charges are brought against a section 7401(1) employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to the following:

“(A) At least 30 days advance written notice from the Chief Medical Director or other charging official specifically stating the basis for each charge, the adverse actions that could be taken if the charges are sustained, and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated with respect to each charge, except that the requirement for notification in advance may be waived if there is reasonable cause to believe that the employee has committed a crime for which the employee may be imprisoned.

“(B) A reasonable time, but not less than seven days, to present an answer orally and in writing to the Chief Medical Director or other deciding official, who shall be an official

higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer.

“(2) In any case described in paragraph (1), the employee is entitled to be represented by an attorney or other representative of the employee’s choice at all stages of the case.

“(3)(A) If a proposed adverse action covered by this section is not withdrawn, the deciding official shall render a decision in writing within 21 days of receipt by the deciding official of the employee’s answer. The decision shall include a statement of the specific reasons for the decision with respect to each charge. If a major adverse action is imposed, the decision shall state whether any of the charges sustained arose out of a question of professional conduct or competence. If any of the charges are sustained, the notice of the decision to the employee shall include notice of the employee’s rights of appeal.

“(B) Notwithstanding the 21-day period specified in subparagraph (A), a proposed adverse action may be held in abeyance if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973. Any such abeyance of a proposed action may not extend for more than one year.

“(4)(A) The Secretary may require that any answer and submission under paragraph (1)(B) be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

“(B) The Secretary shall require that any appeal to a Disciplinary Appeals Board from a decision to impose a major adverse action shall be received within 30 days after the date of service of the written decision on the employee.

“(c)(1) When a Disciplinary Appeals Board convenes to consider an appeal in a case under this section, the board, before proceeding to consider the merits of the appeal, shall determine whether the case is properly before it.

“(2) Upon hearing such an appeal, the board shall, with respect to each charge appealed to the board, sustain the charge, dismiss the charge, or sustain the charge in part and dismiss the charge in part. If the deciding official is sustained (in whole or in part) with respect to any such charge, the board shall—

“(A) approve the action as imposed;

“(B) approve the action with modification, reduction, or exception; or

“(C) reverse the action.

“(3) A board shall afford an employee appealing an adverse action under this section an opportunity for an oral hearing. If such a hearing is held, the board shall provide the employee with a transcript of the hearing.

“(4) The board shall render a decision in any case within 45 days of completion of the hearing, if there is a hearing, and in any event no later than 120 days after the appeal commenced.

“(d)(1) After resolving any question as to whether a matter involves professional conduct or competence, the Secretary shall cause to be executed the decision of the Disciplinary Appeals Board in a timely manner and in any event in not more than 90 days after the decision of the Board is received by the Secretary. Pursuant to the board’s decision, the Secretary may order reinstatement, award back pay, and provide such other remedies as the board found

appropriate relating directly to the proposed action, including expungement of records relating to the action.

“(2) If the Secretary finds a decision of the board to be clearly contrary to the evidence or unlawful, the Secretary may—

“(A) reverse the decision of the board, or

“(B) vacate the decision of the board and remand the matter to the Board for further consideration.

“(3) If the Secretary finds the decision of the board (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges, the Secretary may mitigate the adverse action imposed.

“(4) The Secretary’s execution of a board’s decision shall be the final administrative action in the case.

“(e) The Secretary may designate an employee of the Department to represent management in any case before a Disciplinary Appeals Board.

“(f)(1) A section 7401(1) employee adversely affected by a final order or decision of a Disciplinary Appeals Board (as reviewed by the Secretary) may obtain judicial review of the order or decision.

“(2) In any case in which judicial review is sought under this subsection, the court shall review the record and hold unlawful and set aside any agency action, finding, or conclusion found to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) obtained without procedures required by law, rule, or regulation having been followed; or

“(C) unsupported by substantial evidence.

“§ 7463. Other adverse actions

“(a) The Secretary shall prescribe by regulation procedures for the consideration of grievances of section 7401(1) employees arising from adverse personnel actions in which each action taken either— Regulations.

“(1) is not a major adverse action; or

“(2) does not arise out of a question of professional conduct or competence.

Disciplinary Appeals Boards shall not have jurisdiction to review such matters, other than as part of a mixed case (as defined in section 7462(a)(3) of this title).

“(b) In the case of an employee who is a member of a collective bargaining unit under chapter 71 of title 5, the employee may seek review of an adverse action described in subsection (a) either under the grievance procedures provided through regulations prescribed under subsection (a) or through grievance procedures determined through collective bargaining, but not under both. The employee shall elect which grievance procedure to follow. Any such election may not be revoked.

“(c)(1) In any case in which charges are brought against a section 7401(1) employee which could result in a major adverse action and which do not involve professional conduct or competence, the employee is entitled to the same notice and opportunity to answer with respect to those charges as provided in subparagraphs (A) and (B) of section 7462(b)(1) of this title.

“(2) In any other case in which charges are brought against a section 7401(1) employee, the employee is entitled to—

“(A) an advance written notice stating the specific reason for the proposed action, and

“(B) a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

“(d) Grievance procedures prescribed under subsection (a) shall include the following:

“(1) A right to formal review by an impartial examiner within the Department of Veterans Affairs, who, in the case of an adverse action arising from a question of professional conduct or competence, shall be selected from the panel designated under section 7464 of this title.

“(2) A right to a prompt report of the findings and recommendations by the impartial examiner.

“(3) A right to a prompt review of the examiner’s findings and recommendations by an official of a higher level than the official who decided upon the action. That official may accept, modify, or reject the examiner’s recommendations.

“(e) In any review of an adverse action under the grievance procedures prescribed under subsection (a), the employee is entitled to be represented by an attorney or other representative of the employee’s choice at all stages of the case.

“§ 7464. Disciplinary Appeals Boards

“(a) The Secretary shall from time to time appoint boards to hear appeals of major adverse actions described in section 7462 of this title. Such boards shall be known as Disciplinary Appeals Boards. Each board shall consist of three employees of the Department, each of whom shall be of the same grade as, or be senior in grade to, the employee who is appealing an adverse action. At least two of the members of each board shall be employed in the same category of position as the employee who is appealing the adverse action. Members of a board shall be appointed from individuals on the panel established under subsection (d).

“(b)(1) In appointing a board for any case, the Secretary shall designate one of the members to be chairman and one of the members to be secretary of the board, each of whom shall have authority to administer oaths.

“(2) Appointment of boards, and the proceedings of such boards, shall be carried out under regulations prescribed by the Secretary. A verbatim record shall be maintained of board hearings.

“(c)(1) Notwithstanding sections 5701 and 7332 of this title, the chairman of a board, upon request of an employee whose case is under consideration by the board (or a representative of that employee) may, in connection with the considerations of the board, review records or information covered by those sections and may authorize the disclosure of such records or information to that employee (or representative) to the extent the board considers appropriate for purposes of the proceedings of the board in that case.

“(2) In any such case the board chairman may direct that measures be taken to protect the personal privacy of individuals whose records are involved. Any person who uses or discloses a record or information covered by this subsection for any purpose other than in connection with the proceedings of the board shall be fined not more than \$5,000 in the case of a first offense and not more than \$20,000 in the case of a subsequent offense.

“(d)(1) The Secretary shall provide for the periodic designation of employees of the Department who are qualified to serve on Disciplinary Appeals Boards. Those employees shall constitute the panel

Regulations.
Records.

Penalties.

from which board members in a case are appointed. The Secretary shall provide (without charge) a list of the names of employees on the panel to any person requesting such list.

“(2) The Secretary shall announce periodically, and not less often than annually, that the roster of employees on the panel is available as described in paragraph (1). Such announcement shall be made at Department medical facilities and through publication in the Federal Register. Notice of a name being on the list must be provided at least 30 days before the individual selected may serve on a Board or as a grievance examiner. Employees, employee organizations, and other interested parties may submit comments to the Secretary concerning the suitability for service on the panel of any employee whose name is on the list.

Federal
Register,
publication.

“(3) The Secretary shall provide training in the functions and duties of Disciplinary Appeals Boards and grievance procedures under section 7463 of this title for employees selected to be on the panel.”

Training
programs.

(b) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of chapter 74, as added by section 102, is amended—

(1) by inserting before the item relating to subchapter III the following:

“SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

“7421. Personnel administration: in general.

“7422. Collective bargaining.

“7423. Personnel administration: full-time employees.”; and

(2) by adding at the end the following:

“SUBCHAPTER V—DISCIPLINARY AND GRIEVANCE PROCEDURES

“7461. Adverse actions: section 7401(1) employees.

“7462. Major adverse actions involving professional conduct or competence.

“7463. Other adverse actions.

“7464. Disciplinary Appeals Boards.”

SEC. 204. DEADLINE FOR REGULATIONS.

38 USC 7461
note.

The Secretary of Veterans Affairs shall prescribe regulations under subchapter V of chapter 74 of title 38, United States Code (as added by section 203), not later than 180 days after the date of the enactment of this Act. Such regulations shall be published in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

Federal
Register,
publication.

SEC. 205. PRESERVATION OF EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS AND PENDING ACTIONS.

38 USC 7421
note.

(a) **EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS.**—Any determination under chapter 71 of title 5, United States Code, of a collective bargaining unit within the Veterans Health Administration of the Department of Veterans Affairs, and any recognition under that chapter of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit of the Department of Veterans Affairs, that is in effect on the date of the enactment of this Act shall not be affected by the amendments made by this Act and shall continue in effect in accordance with the terms of such determination or regulation.

(b) **PENDING CASES.**—With respect to cases pending on the date of the enactment of this Act, or those cases which are brought before the establishment of either an administrative grievance procedure

pursuant to section 7463 of title 38, United States Code (as added by the amendments made by this title), or a negotiated grievance procedure established under a collective bargaining agreement, such cases shall proceed in the same manner as they would have if this Act had not been enacted.

TITLE III—MISCELLANEOUS

SEC. 301. AMENDMENTS TO PROVISIONS ENACTED BY THE DEPARTMENT OF VETERANS AFFAIRS NURSE PAY ACT OF 1990.

(a) **SAVINGS PROVISION.**—Physician assistants and expanded-function dental auxiliaries shall continue to be paid after August 14, 1990, according to the Nurse Schedule in section 4107(b) of title 38, United States Code, as in effect on August 14, 1990, until the effective date of a determination by the Secretary to convert those occupations to “covered positions” and pay them pursuant to section 7451 of such title, as redesignated by section 401(c).

(b) **CHIEF MEDICAL DIRECTOR AUTHORITY.**—Section 4141(d) is amended—

(1) in paragraph (1)(B), by inserting “or the Chief Medical Director, with respect to covered Regional and Central Office employees in that grade,” before “determines”;

(2) in paragraph (3)—

(A) by redesignating subparagraph (C) as subparagraph (D) and by inserting “or Chief Medical Director” in that subparagraph after “facility”; and

(B) by inserting after subparagraph (B) the following:

“(C) The Chief Medical Director shall prescribe regulations providing for the adjustment of the rates of basic pay for Regional and Central Office employees in covered positions in order to assure that those rates are sufficient and competitive.”; and

(3) in paragraph (4), by inserting “, or the Chief Medical Director with respect to Regional and Central Office employees,” in the first sentence after “facility” the first place it appears.

(c) **INCLUSION OF CERTAIN TITLE 5 EMPLOYEES.**—Section 4141(a)(3) is amended by inserting “or chapter 53 of title 5” before the period at the end.

(d) **TECHNICAL AMENDMENT.**—Section 4142(a)(3) is amended by striking out “appointed” and inserting in lieu thereof “paid”.

(e) **EFFECTIVE DATE.**—Section 104(a)(2) of Public Law 101-366 is amended by inserting “the first day of the first pay period beginning after” before “April 1, 1991”.

SEC. 302. EXTENSION OF ANNUAL REPORT ON FURNISHING NONSERVICE-CONNECTED HEALTH CARE.

Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (38 U.S.C. 610 note) is amended by striking out “each of” and all that follows through “1989” and inserting in lieu thereof “each fiscal year through fiscal year 1991”.

SEC. 303. ADMINISTRATIVE REORGANIZATION AUTHORITY.

Section 210(b)(2) is amended—

(1) in subparagraph (A), by striking out the second and third sentences and inserting in lieu thereof the following: “No action to carry out such reorganization may be taken after the submission of such report until the end of a 90-day period of continuous

38 USC 7451
note.

Regulations.

38 USC 4141
note.

session of Congress following the date of the submission of the report. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 90-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.”;

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

“(B) An administrative reorganization described in this subparagraph is an administrative reorganization of a covered field office or facility that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility—

“(i) by 15 percent or more; or

“(ii) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 25 percent or more.”;

(3) in subparagraph (C)—

(A) by inserting “administrative” before “reorganization” the first place it appears;

(B) by striking out “the reorganization” after “applies to” and inserting in lieu thereof “an administrative reorganization”;

(C) by striking out “more than 25 but less than 100 employees” and inserting in lieu thereof “30 or more employees”; and

(D) by striking out “in such unit—” and all that follows and inserting in lieu thereof “in such unit by 50 percent or more.”; and

(4) in subparagraph (D)—

(A) by adding at the end of clause (i) the following new sentence: “Such term does not include a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Administration at a Department medical and regional office center, if after the consolidation or redistribution the same number of full-time equivalent employees continues to perform the affected functions at that field office, facility, or center.”;

(B) by striking out clause (ii); and

(C) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

SEC. 304. TECHNICAL CORRECTION TO LIMITATION ON PAYMENT OF PENSION TO VETERANS IN NURSING HOMES.

(a) **EXCLUSION OF STATE HOMES.**—Section 3203(f)(1)(B) is amended by inserting before the period at the end the following: “, other than a facility that is a State home with respect to which the Secretary makes per diem payments for nursing home care pursuant to section 641(a) of this title”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply as if included in the amendment made by section 8003(a) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-874).

38 USC 5503
note.

SEC. 305. TECHNICAL AMENDMENTS.

(a) SECTION 3202.—Section 3202(d) is amended by striking out “an inmate” and inserting in lieu thereof “a patient”.

(b) SUBCHAPTER HEADING.—(1) The heading of subchapter II of chapter 85 is amended by striking out “INMATE” and inserting in lieu thereof “PATIENT”.

(2) The item relating to such subchapter heading in the table of sections at the beginning of such chapter is amended by striking out “INMATE” and inserting in lieu thereof “PATIENT”.

**TITLE IV—REORGANIZATION AND REDESIGNATION OF
PARTS IV, V, AND VI OF TITLE 38**

SEC. 401. FURTHER REVISION AND REORGANIZATION OF CHAPTER 73.

(a) IN GENERAL.—Chapter 73 is amended as follows:

(1) The heading of such chapter is amended to read as follows:

**“CHAPTER 73—VETERANS HEALTH ADMINISTRATION—
ORGANIZATION AND FUNCTIONS”.**

(2) Such chapter is amended—

(A) by striking out subchapter V; and

(B) by redesignating subchapter VI as subchapter IV.

(3) Such chapter is further amended by striking out the table of sections and subchapters I and II and inserting in lieu thereof the following:

“SUBCHAPTER I—ORGANIZATION

“Sec.

“7301. Functions of Veterans Health Administration: in general.

“7302. Functions of Veterans Health Administration: health-care personnel education and training programs.

“7303. Functions of Veterans Health Administration: research programs.

“7304. Regulations.

“7305. Divisions of Veterans Health Administration.

“7306. Office of the Chief Medical Director.

“SUBCHAPTER II—GENERAL AUTHORITY AND ADMINISTRATION

“7311. Quality assurance.

“7312. Special medical advisory group.

“7313. Advisory committees: affiliated institutions.

“7314. Geriatric research, education, and clinical centers.

“7315. Geriatrics and Gerontology Advisory Committee.

“7316. Malpractice and negligence suits: defense by United States.

“7317. Hazardous research projects: indemnification of contractors.

“SUBCHAPTER III—PATIENT RIGHTS

“7331. Informed consent.

“7332. Confidentiality of certain medical records.

“7333. Nondiscrimination against alcohol and drug abusers and persons infected with human immunodeficiency virus.

“7334. Regulations.

“SUBCHAPTER IV—RESEARCH CORPORATIONS

“7361. Authority to establish; status.

“7362. Purpose of corporations.

“7363. Board of directors; executive director.

“7364. General powers.

“7365. Applicable State law.

“7366. Accountability and oversight.

“7367. Report to Congress.

“7368. Expiration of authority.

38 USC 4151,
4152.
38 USC prec.
4161.
38 USC
4101-4124.

"SUBCHAPTER I—ORGANIZATION

"§ 7301. Functions of Veterans Health Administration: in general

"(a) There is in the Department of Veterans Affairs a Veterans Health Administration. The Chief Medical Director is the head of the Administration.

"(b) The primary function of the Administration is to provide a complete medical and hospital service for the medical care and treatment of veterans, as provided in this title and in regulations prescribed by the Secretary pursuant to this title.

"§ 7302. Functions of Veterans Health Administration: health-care personnel education and training programs

"(a) In order to carry out more effectively the primary function of the Veterans Health Administration and in order to assist in providing an adequate supply of health personnel to the Nation, the Secretary—

"(1) to the extent feasible without interfering with the medical care and treatment of veterans, shall develop and carry out a program of education and training of health personnel; and

"(2) shall carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as—

"(A) physician assistants;

"(B) expanded-function dental auxiliaries; and

"(C) other medical technicians.

"(b) In carrying out subsection (a)(1), the Secretary shall include in the program of education and training under that subsection the developing and evaluating of new health careers, interdisciplinary approaches, and career advancement opportunities.

"(c) In carrying out subsection (a)(2), the Secretary shall include in the program of recruitment, training, and employment under that subsection measures to advise all qualified veterans with military occupation specialties referred to in that subsection, and all members of the armed forces about to be discharged or released from active duty who have such military occupation specialties, of employment opportunities with the Administration.

"(d) The Secretary shall carry out subsection (a) in cooperation with the following institutions and organizations:

"(1) Schools of medicine, osteopathy, dentistry, nursing, pharmacy, optometry, podiatry, public health, or allied health professions.

"(2) Other institutions of higher learning.

"(3) Medical centers.

"(4) Academic health centers.

"(5) Hospitals.

"(6) Such other public or nonprofit agencies, institutions, or organizations as the Secretary considers appropriate.

"§ 7303. Functions of Veterans Health Administration: research programs

"(a)(1) In order to carry out more effectively the primary function of the Administration and in order to contribute to the Nation's knowledge about disease and disability, the Secretary shall carry

Diseases.

Handicapped.

out a program of medical research in connection with the provision of medical care and treatment to veterans.

“(2) Such program of medical research shall include biomedical research, mental illness research, prosthetic and other rehabilitative research, and health-care-services research.

“(3) Such program shall stress—

“(A) research into spinal-cord injuries and other diseases that lead to paralysis of the lower extremities; and

“(B) research into injuries and illnesses particularly related to service.

“(4) In carrying out such research program, the Secretary shall act in cooperation with the entities described in section 7302(d) of this title.

“(b) Prosthetic research shall include research and testing in the field of prosthetic, orthotic, and orthopedic appliances and sensory devices. In order that the unique investigative material and research data in the possession of the Government may result in the improvement of such appliances and devices for all disabled persons, the Secretary (through the Chief Medical Director) shall make the results of such research available to any person, and shall consult and cooperate with the Secretary of Health and Human Services and the Secretary of Education, in connection with programs carried out under section 204(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(2)) (relating to the establishment and support of Rehabilitation Engineering Research Centers).

“(c) Funds appropriated to carry out this section shall remain available until expended.

“§ 7304. Regulations

“(a) Unless specifically otherwise provided, the Chief Medical Director shall prescribe all regulations necessary to the administration of the Veterans Health Administration, including regulations relating to—

“(1) travel, transportation of household goods and effects, and deductions from pay for quarters and subsistence; and

“(2) the custody, use, and preservation of the records, papers, and property of the Administration.

“(b) Regulations prescribed by the Chief Medical Director are subject to the approval of the Secretary.

“§ 7305. Divisions of Veterans Health Administration

“The Veterans Health Administration shall include the following:

“(1) The Office of the Chief Medical Director.

“(2) A Medical Service.

“(3) A Dental Service.

“(4) A Podiatric Service.

“(5) An Optometric Service.

“(6) A Nursing Service.

“(7) Such other professional and auxiliary services as the Secretary may find to be necessary to carry out the functions of the Administration.

“§ 7306. Office of the Chief Medical Director

“(a) The Office of the Chief Medical Director shall consist of the following:

“(1) The Deputy Chief Medical Director, who shall be the principal assistant of the Chief Medical Director and who shall be a qualified doctor of medicine.

“(2) The Associate Deputy Chief Medical Director, who shall be an assistant to the Chief Medical Director and the Deputy Chief Medical Director and who shall be a qualified doctor of medicine.

“(3) Not to exceed eight Assistant Chief Medical Directors.

“(4) Such Medical Directors as may be appointed to suit the needs of the Department, who shall be either a qualified doctor of medicine or a qualified doctor of dental surgery or dental medicine.

“(5) A Director of Nursing Service, who shall be a qualified registered nurse and who shall be responsible to the Chief Medical Director for the operation of the Nursing Service.

“(6) A Director of Pharmacy Service, a Director of Dietetic Service, a Director of Podiatric Service, and a Director of Optometric Service, who shall be responsible to the Chief Medical Director for the operation of their respective Services.

“(7) Such other personnel as may be authorized by this chapter.

“(b) Of the Assistant Chief Medical Directors appointed under subsection (a)(3)—

“(1) not more than two may be persons qualified in the administration of health services who are not doctors of medicine, dental surgery, or dental medicines;

“(2) one shall be a qualified doctor of dental surgery or dental medicine who shall be directly responsible to the Chief Medical Director for the operation of the Dental Service; and

“(3) one shall be a qualified physician trained in, or having suitable extensive experience in, geriatrics who shall be responsible to the Chief Medical Director for evaluating all research, educational, and clinical health-care programs carried out in the Administration in the field of geriatrics and who shall serve as the principal advisor to the Chief Medical Director with respect to such programs.

“(c) Appointments under subsection (a) shall be made by the Secretary. In the case of appointments under paragraphs (1), (2), (3), and (4) of that subsection, such appointments shall be made upon the recommendation of the Chief Medical Director.

“(d) Except as provided in subsection (e)—

“(1) any appointment under this section shall be for a period of four years, with reappointment permissible for successive like periods,

“(2) any such appointment or reappointment may be extended by the Secretary for a period not in excess of three years, and

“(3) any person so appointed or reappointed or whose appointment or reappointment is extended shall be subject to removal by the Secretary for cause.

“(e)(1) The Secretary may designate a member of the Chaplain Service of the Department as Director, Chaplain Service, for a period of two years, subject to removal by the Secretary for cause. Redesignation under this subsection may be made for successive like periods or for any period not exceeding two years.

“(2) A person designated as Director, Chaplain Service, shall at the end of such person's period of service as Director revert to the position, grade, and status which such person held immediately

before being designated Director, Chaplain Service, and all service as Director, Chaplain Service, shall be creditable as service in the former position.

"SUBCHAPTER II—GENERAL AUTHORITY AND
ADMINISTRATION

"§ 7311. Quality assurance

"(a) The Secretary shall—

"(1) establish and conduct a comprehensive program to monitor and evaluate the quality of health care furnished by the Veterans Health Administration (hereinafter in this section referred to as the 'quality-assurance program'); and

"(2) delineate the responsibilities of the Chief Medical Director with respect to the quality-assurance program, including the duties prescribed in this section.

"(b)(1) As part of the quality-assurance program, the Chief Medical Director shall periodically evaluate—

"(A) whether there are significant deviations in mortality and morbidity rates for surgical procedures performed by the Administration from prevailing national mortality and morbidity standards for similar procedures; and

"(B) if there are such deviations, whether they indicate deficiencies in the quality of health care provided by the Administration.

"(2) The evaluation under paragraph (1)(A) shall be made using the information compiled under subsection (c)(1). The evaluation under paragraph (1)(B) shall be made taking into account the factors described in subsection (c)(2)(B).

"(3) If, based upon an evaluation under paragraph (1)(A), the Chief Medical Director determines that there is a deviation referred to in that paragraph, the Chief Medical Director shall explain the deviation in the report submitted under subsection (f).

"(c)(1) The Chief Medical Director shall—

"(A) determine the prevailing national mortality and morbidity standards for each type of surgical procedure performed by the Administration; and

"(B) collect data and other information on mortality and morbidity rates in the Administration for each type of surgical procedure performed by the Administration and (with respect to each such procedure) compile the data and other information so collected—

"(i) for each medical facility of the Department, in the case of cardiac surgery, heart transplant, and renal transplant programs; and

"(ii) in the aggregate, for each other type of surgical procedure.

"(2) The Chief Medical Director shall—

"(A) compare the mortality and morbidity rates compiled under paragraph (1)(B) with the national mortality and morbidity standards determined under paragraph (1)(A); and

"(B) analyze any deviation between such rates and such standards in terms of the following:

"(i) The characteristics of the respective patient populations.

“(ii) The level of risk for the procedure involved, based on—

“(I) patient age;

“(II) the type and severity of the disease;

“(III) the effect of any complicating diseases; and

“(IV) the degree of difficulty of the procedure.

“(iii) Any other factor that the Chief Medical Director considers appropriate.

“(d) Based on the information compiled and the comparisons, analyses, evaluations, and explanations made under subsections (b) and (c), the Chief Medical Director, in the report under subsection (f), shall make such recommendations with respect to quality assurance as the Chief Medical Director considers appropriate.

“(e)(1) The Secretary shall allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Administration to carry out its responsibilities under this section.

“(2) The Inspector General of the Department shall allocate sufficient resources (including sufficient personnel with the necessary skills and qualifications) to enable the Inspector General to monitor the quality-assurance program.

“(f)(1) Not later than February 1, 1991, the Chief Medical Director shall submit to the Secretary a report on the experience through the end of the preceding fiscal year under the quality-assurance program carried out under this section. Reports.

“(2) Such report shall include—

“(A) the data and other information compiled and the comparisons, analyses, and evaluations made under subsections (b) and (c) with respect to the period covered by the report; and

“(B) recommendations under subsection (d).

“(g)(1) Not later than 60 days after receiving such report, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comment concerning the report that the Secretary considers appropriate.

“(2) A report submitted under paragraph (1) shall not be considered to be a record or document as described in section 5705(a) of this title.

“§ 7312. Special medical advisory group

“(a) The Secretary shall establish an advisory committee to be known as the special medical advisory group. The advisory group shall advise the Secretary, through the Chief Medical Director, and the Chief Medical Director directly, relative to the care and treatment of disabled veterans and other matters pertinent to the Administration.

“(b) Members of the special medical advisory group shall be appointed by the Secretary upon the recommendation of the Chief Medical Director. The special medical advisory group shall be composed of—

“(1) members of the medical, dental, podiatric, optometric, and allied scientific professions;

“(2) other individuals considered by the Chief Medical Director to have experience pertinent to the mission of the Administration; and

“(3) a disabled veteran.

Reports.

Colleges and
universities.
Health facilities.
Nonprofit
organizations.

“(c) The special medical advisory group shall meet on a regular basis as prescribed by the Secretary. The number, terms of service, pay, and allowances of members of the advisory group shall be prescribed in accordance with existing law and regulations.

“(d) Not later than February 1 of each year, the special medical advisory group shall submit to the Secretary and the Congress a report on the advisory groups activities during the preceding fiscal year.

“§ 7313. Advisory committees: affiliated institutions

“(a) In each case where the Secretary has a contract or agreement with any school, institution of higher learning, medical center, hospital, or other public or nonprofit agency, institution, or organization for the training or education of health personnel, the Secretary shall establish an advisory committee to advise the Secretary and the Chief Medical Director with respect to policy matters arising in connection with, and the operation of, the program with respect to which it was appointed. Such a committee may be a dean’s committee, a medical advisory committee, or the like.

“(b) Any such advisory committee may be established on an institution-wide, multi-disciplinary basis or on a regional basis whenever establishment on such a basis is found to be feasible.

“(c) Members of each such advisory committee shall be appointed by the Secretary and shall include personnel of the Department (including appropriate representation from the full-time staff) and of the entity with which the Secretary has entered into the contract or agreement. The number of members, and terms of members, of each advisory committee shall be prescribed by the Secretary.

“(d) The Secretary shall require that the Chief of the Nursing Service (or the designee of the Chief) at each Department health-care facility be included in the membership of each policymaking committee at that facility. Such committees include: (1) committees relating to matters such as budget, education, position management, clinical executive issues, planning, and resource allocation, and (2) the dean’s committee or other advisory committee established under subsection (a).

“§ 7314. Geriatric research, education, and clinical centers

“(a) The Secretary, upon the recommendation of the Chief Medical Director and pursuant to the provisions of this section, shall designate not more than 25 Department health-care facilities as the locations for centers of geriatric research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose) shall establish and operate such centers at such locations in accordance with this section.

“(b) In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Chief Medical Director, shall—

“(1) designate each Department health-care facility that as of August 26, 1980, was operating a geriatric research, education, and clinical center unless (on the recommendation of the Chief Medical Director) the Secretary determines that such facility does not meet the requirements of subsection (c) or has not demonstrated effectiveness in carrying out the established purposes of such center or the purposes of title III of the Veterans’ Administration Health-Care Amendments of 1980 (Public Law

96-330; 94 Stat. 1048) or the potential to carry out such purposes effectively in the reasonably foreseeable future; and

"(2) assure appropriate geographic distribution of such facilities.

"(c) The Secretary may not designate a health-care facility as a location for a center under subsection (a) unless the Secretary (upon the recommendation of the Chief Medical Director) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school which provides education and training in geriatrics and with which such facility is affiliated under which residents receive education and training in geriatrics through regular rotation through such center and through nursing home, extended care, or domiciliary units of such facility so as to provide such residents with training in the diagnosis and treatment of chronic diseases of older individuals, including cardiopulmonary conditions, senile dementia, and neurological disorders.

"(2) An arrangement under which nursing or allied health personnel receive training and education in geriatrics through regular rotation through nursing home, extended care, or domiciliary units of such facility.

"(3) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(4) A policymaking advisory committee composed of appropriate health-care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center.

"(5) The capability to conduct effectively evaluations of the activities of such center.

"(d) Before providing funds for the operation of any such center at a health-care facility other than a health-care facility designated under subsection (b)(1), the Secretary shall assure that the center at each facility designated under such subsection is receiving adequate funding to enable such center to function effectively in the areas of geriatric research, education, and clinical activities.

"(e) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Chief Medical Director shall allocate to such centers from other funds appropriated generally for the Department medical care account and medical and prosthetics research account, as appropriate, such amounts as the Chief Medical Director determines appropriate.

"(f) Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in geriatrics and gerontology.

"§ 7315. Geriatrics and Gerontology Advisory Committee

"(a) The Secretary shall establish in the Administration a Geriatrics and Gerontology Advisory Committee (hereinafter in this section referred to as the 'Committee'). The membership of the

Appropriation
authorization.

Committee shall be appointed by the Secretary, upon the recommendation of the Chief Medical Director, and shall include individuals who are not employees of the Federal Government and who have demonstrated interest and expertise in research, education, and clinical activities related to aging and at least one representative of a national veterans service organization. The Secretary, upon the recommendation of the Chief Medical Director, shall invite representatives of other appropriate departments and agencies of the United States to participate in the activities of the Committee and shall provide the Committee with such staff and other support as may be necessary for the Committee to carry out effectively its functions under this section.

“(b) The Committee shall—

“(1) advise the Chief Medical Director on all matters pertaining to geriatrics and gerontology;

“(2) assess, through an evaluation process (including a site visit conducted not later than three years after the date of the establishment of each new center and not later than two years after the date of the last evaluation of those centers in operation on August 26, 1980), the ability of each center established under section 7314 of this title to achieve its established purposes and the purposes of title III of the Veterans’ Administration Health-Care Amendments of 1980 (Public Law 96-330; 94 Stat. 1048);

“(3) assess the capability of the Department to provide high quality geriatric services, extended services, and other health-care services to eligible older veterans, taking into consideration the likely demand for such services from such veterans;

“(4) assess the current and projected needs of eligible older veterans for geriatric services, extended-care services, and other health-care services from the Department and its activities and plans designed to meet such needs; and

“(5) perform such additional functions as the Secretary or Chief Medical Director may direct.

Reports.

“(c)(1) The Committee shall submit to the Secretary, through the Chief Medical Director, such reports as the Committee considers appropriate with respect to its findings and conclusions under subsection (b). Such reports shall include the following:

“(A) Descriptions of the operations of the centers of geriatric research, education, and clinical activities established pursuant to section 7314 of this title.

“(B) Assessments of the quality of the operations of such centers.

“(C) An assessment of the extent to which the Department, through the operation of such centers and other health-care facilities and programs, is meeting the needs of eligible older veterans for geriatric services, extended-care services, and other health-care services.

“(D) Assessments of and recommendations for correcting any deficiencies in the operations of such centers.

“(E) Recommendations for such other geriatric services, extended-care services, and other health-care services as may be needed to meet the needs of older veterans.

“(2) Not later than 90 days after receipt of a report submitted under paragraph (1), the Secretary shall transmit the report, together with the Secretary’s comments and recommendations thereon, to the appropriate committees of the Congress.

“§ 7316. Malpractice and negligence suits: defense by United States

“(a)(1) The remedy—

“(A) against the United States provided by sections 1346(b) and 2672 of title 28, or

“(B) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under section 1346(b) or 2672 of title 28,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a medical care employee of the Administration in furnishing medical care or treatment while in the exercise of that employee's duties in or for the Administration shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the medical care employee (or employee's estate) whose act or omission gave rise to such claim.

“(2) For purposes of paragraph (1), the term ‘medical care employee of the Administration’ means a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, pharmacist, or paramedical (such as medical and dental technicians, nursing assistants, and therapists), or other supporting personnel.

“(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) (or such person's estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Secretary to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

“(c) Upon a certification by the Attorney General that the defendant was acting in the scope of such person's employment in or for the Administration at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of such person's office or employment, the case shall be remanded to the State court.

“(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

“(e) The Secretary may, to the extent the Secretary considers appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of this section apply (as

described in subsection (a)), for damage for personal injury or death, or for property damage, negligently caused by such person while furnishing medical care or treatment (including the conduct of clinical studies or investigations) in the exercise of such person's duties in or for the Administration, if such person is assigned to a foreign country, detailed to State or political division thereof, or is acting under any other circumstances which would preclude the remedies of an injured third person against the United States, provided by sections 1346(b) and 2672 of title 28, for such damage or injury.

"(f) The exception provided in section 2680(h) of title 28 shall not apply to any claim arising out of a negligent or wrongful act or omission of any person described in subsection (a) in furnishing medical care or treatment (including medical care or treatment furnished in the course of a clinical study or investigation) while in the exercise of such person's duties in or for the Administration.

"§ 7317. Hazardous research projects: indemnification of contractors

"(a)(1) With the approval of the Secretary, any contract or research authorized by section 7303 of this title, the performance of which involves a risk of an unusually hazardous nature, may provide that the United States will indemnify the contractor as provided in paragraph (2), but only to the extent that the liability, loss, or damage concerned arises out of the direct performance of the contract and to the extent not covered by the financial protection required under subsection (e).

"(2) Indemnity under paragraph (1) is indemnity against either or both of the following:

"(A) Liability (including reasonable expenses of litigation or settlement) to third persons, except liability under State or Federal workers' injury compensation laws to employees of the contractor employed at the site of and in connection with the contract for which indemnification is granted, for death, bodily injury, or loss of or damage to property, from a risk that the contract defines as unusually hazardous.

"(B) Loss of or damage to property of the contractor from a risk that the contract defines as unusually hazardous.

"(b) A contract that provides for indemnification in accordance with subsection (a) must also provide for—

"(1) notice to the United States of any claim or suit against the contractor for death, bodily injury, or loss of or damage to property; and

"(2) control of or assistance in the defense by the United States, at its election, of any such suit or claim for which indemnification is provided hereunder.

"(c) A payment may not be made under subsection (a) unless the Secretary certifies that the amount is just and reasonable.

"(d) Upon approval by the Secretary, payments under subsection (a) may be made from—

"(1) funds obligated for the performance of the contract concerned;

"(2) funds available for research or development or both, and not otherwise obligated; or

"(3) funds appropriated for those payments.

"(e) Each contractor which is a party to an indemnification agreement under subsection (a) shall have and maintain financial protec-

tion of such type and in such amounts as the Secretary shall require to cover liability to third persons and loss of or damage to the contractor's property. The amount of financial protection required shall be the maximum amount of insurance available from private sources, except that the Secretary may establish a lesser amount, taking into consideration the cost and terms of private insurance. Such financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures.

"(f) In administering the provisions of this section, the Secretary may use the facilities and services of private insurance organizations and may contract to pay a reasonable compensation therefor. Any contract made under the provisions of this section may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5), upon a showing by the Secretary that advertising is not reasonably practicable, and advance payments may be made under any such contract.

"(g) The authority to indemnify contractors under this section does not create any rights in third persons which would not otherwise exist by law.

"(h) Funds appropriated to carry out this section shall remain available until expended.

"(i) In this section, the term 'contractor' includes subcontractors of any tier under a contract containing an indemnification provision pursuant to subsection (a)."

(4) Such chapter is further amended—

(A) by redesignating sections 4131, 4132, 4133, and 4134 as sections 7331, 7332, 7333, and 7334, respectively; and

(B) by redesignating sections 4161, 4162, 4163, 4164, 4165, 4166, 4167, and 4168 as sections 7361, 7362, 7363, 7364, 7365, 7366, 7367, and 7368, respectively.

(b) ENACTMENT OF OTHER PROVISIONS OF OLD CHAPTER 73 IN NEW CHAPTER 74.—Chapter 74, as added by section 102 and amended by section 202, is amended as follows:

(1) The table of sections (as added by section 102 and amended by section 203(b)) is amended—

(A) by inserting at the beginning the following:

"SUBCHAPTER I—APPOINTMENTS

"Sec.

"7401. Appointments in Veterans Health Administration.

"7402. Qualifications of appointees.

"7403. Period of appointments; promotions.

"7404. Grades and pay scales.

"7405. Temporary full-time appointments, part-time appointments, and without-compensation appointments.

"7406. Residencies and internships.

"7407. Administrative provisions for section 7405 and 7406 appointments.

"7408. Appointment of additional employees.

"7409. Contracts for scarce medical specialist services.";

(B) by inserting after the item relating to section 7423 (as added by section 203(b)(1)) the following:

"7424. Travel expenses of certain employees.

"7425. Employees: laws not applicable.

"7426. Retirement rights.";

(C) by inserting after the item relating to section 7440 (as added by section 102) the following:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

- "7451. Nurses and other health-care personnel: competitive pay.
 "7452. Nurses and other health-care personnel: administration of pay.
 "7453. Nurses: additional pay.
 "7454. Physician assistants and other health care professionals: additional pay.
 "7455. Increases in rates of basic pay.
 "7456. Nurses: special rules for weekend duty.
 "7457. On-call pay.
 "7458. Recruitment and retention bonus pay."; and

(D) by adding at the end the following:

"SUBCHAPTER VI—REGIONAL MEDICAL EDUCATION CENTERS

- "7471. Designation of Regional Medical Education Centers.
 "7472. Supervision and staffing of Centers.
 "7473. Personnel eligible for training.
 "7474. Consultation."

(2) Such chapter is further amended by inserting before subchapter II (as added by section 202) the following:

"SUBCHAPTER I—APPOINTMENTS

"§ 7401. Appointments in Veterans Health Administration

"There may be appointed by the Secretary such personnel as the Secretary may find necessary for the medical care of veterans (in addition to those in the Office of the Chief Medical Director appointed under section 7306 of this title), as follows:

"(1) Physicians, dentists, podiatrists, optometrists, registered nurses, physician assistants, and expanded-function dental auxiliaries.

"(2) Psychologists (other than those described in paragraph (3)), dietitians, and other scientific and professional personnel, such as microbiologists, chemists, biostatisticians, and medical and dental technologists.

"(3) Clinical or counseling psychologists who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary, certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

"§ 7402. Qualifications of appointees

"(a) To be eligible for appointment to the positions in the Administration covered by subsection (b), a person must have the applicable qualifications set forth in that subsection.

"(b)(1) PHYSICIAN.—To be eligible to be appointed to a physician position, a person must—

"(A) hold the degree of doctor of medicine or of doctor of osteopathy from a college or university approved by the Secretary,

"(B) have completed an internship satisfactory to the Secretary, and

"(C) be licensed to practice medicine, surgery, or osteopathy in a State.

"(2) DENTIST.—To be eligible to be appointed to a dentist position, a person must—

“(A) hold the degree of doctor of dental surgery or dental medicine from a college or university approved by the Secretary, and

“(B) be licensed to practice dentistry in a State.

“(3) NURSE.—To be eligible to be appointed to a nurse position, a person must—

“(A) have successfully completed a full course of nursing in a recognized school of nursing, approved by the Secretary, and

“(B) be registered as a graduate nurse in a State.

“(4) DIRECTOR OF A HOSPITAL, DOMICILIARY, CENTER, OR OUTPATIENT CLINIC.—To be eligible to be appointed to a director position, a person must have such business and administrative experience and qualifications as the Secretary shall prescribe.

“(5) PODIATRIST.—To be eligible to be appointed to a podiatrist position, a person must—

“(A) hold the degree of doctor of podiatric medicine, or its equivalent, from a school of podiatric medicine approved by the Secretary, and

“(B) be licensed to practice podiatry in a State.

“(6) OPTOMETRIST.—To be eligible to be appointed to an optometrist position, a person must—

“(A) hold the degree of doctor of optometry, or its equivalent, from a school of optometry approved by the Secretary, and

“(B) be licensed to practice optometry in a State.

“(7) PHARMACIST.—To be eligible to be appointed to a pharmacist position, a person must—

“(A) hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy, approved by the Secretary, and

“(B) be registered as a pharmacist in a State.

“(8) PSYCHOLOGIST.—To be eligible to be appointed to a psychologist position, a person must—

“(A) hold a doctoral degree in psychology from a college or university approved by the Secretary,

“(B) have completed study for such degree in a specialty area of psychology and an internship which are satisfactory to the Secretary, and

“(C) be licensed or certified as a psychologist in a State, except that the Secretary may waive the requirement of licensure or certification for an individual psychologist for a period not to exceed two years on the condition that that psychologist provide patient care only under the direct supervision of a psychologist who is so licensed or certified.

“(9) OTHER HEALTH-CARE POSITIONS.—To be appointed as a physician assistant, expanded-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position, a person must have such medical, dental, scientific, or technical qualifications as the Secretary shall prescribe.

“(c) Except as provided in section 7407(a) of this title, a person may not be appointed in the Administration to a position listed in section 7401(1) of this title unless the person is a citizen of the United States.

“(d) A person may not be appointed under section 7401(1) of this title to serve in the Administration in any direct patient-care capac-

ity unless the Chief Medical Director determines that the person possesses such basic proficiency in spoken and written English as will permit such degree of communication with patients and other health-care personnel as will enable the person to carry out the person's health-care responsibilities satisfactorily. Any determination by the Chief Medical Director under this subsection shall be in accordance with regulations which the Secretary shall prescribe.

Regulations.

"(e) A person may not serve as Chief of Staff of a Department health-care facility if the person is not serving on a full-time basis.

Regulations.

"§ 7403. Period of appointments; promotions

"(a)(1) Appointments under this chapter of health-care professionals to whom this section applies may be made only after qualifications have been satisfactorily established in accordance with regulations prescribed by the Secretary, without regard to civil-service requirements.

"(2) This section applies to the following persons appointed under this chapter:

"(A) Physicians.

"(B) Dentists.

"(C) Podiatrists.

"(D) Optometrists.

"(E) Nurses.

"(F) Physician assistants.

"(G) Expanded-function dental auxiliaries.

"(b)(1) Appointments described in subsection (a) shall be for a probationary period of two years.

Records.

"(2) The record of each person serving under such an appointment in the Medical, Dental, and Nursing Services shall be reviewed from time to time by a board, appointed in accordance with regulations of the Secretary. If such a board finds that such person is not fully qualified and satisfactory, such person shall be separated from the service.

"(c) Promotions of persons to whom this section applies shall be made only after examination given in accordance with regulations prescribed by the Secretary. Advancement within grade may be made in increments of the minimum rate of basic pay of the grade in accordance with regulations prescribed by the Secretary.

"(d) In determining eligibility for reinstatement in the Federal civil service of persons appointed to positions in the Administration under this chapter who at the time of appointment have a civil-service status, and whose employment in the Administration is terminated, the period of service performed in the Administration shall be included in computing the period of service under applicable civil-service rules and regulations.

"(e) In accordance with regulations prescribed by the Secretary, the grade and annual rate of basic pay of a person to whom this section applies whose level of assignment is changed from a level of assignment in which the grade level is based on both the nature of the assignment and personal qualifications may be adjusted to the grade and annual rate of basic pay otherwise appropriate.

"(f)(1) Upon the recommendation of the Chief Medical Director, the Secretary may—

"(A) use the authority in subsection (a) to establish the qualifications for and (subject to paragraph (2)) to appoint individuals to positions listed in section 7401(3) of this title; and

“(B) use the authority provided in subsection (c) for the promotion and advancement of Department employees serving in such positions.

“(2) In using such authority to appoint individuals to such positions, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.

“(3) Notwithstanding any other provision of this title or other law, all matters relating to adverse actions, disciplinary actions, and grievance procedures involving individuals appointed to such positions (including similar actions and procedures involving an employee in a probationary status) shall be resolved under the provisions of title 5 as though such individuals had been appointed under that title.

“(g)(1) The Secretary may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title) an individual who—

“(A) has a recognized degree or certificate from an accredited institution in a health-care profession or occupation; and

“(B) has successfully completed a clinical education program affiliated with the Department.

“(2) In using the authority provided by this subsection, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.

“§ 7404. Grades and pay scales

“(a) The annual rates or ranges of rates of basic pay for positions provided in section 7306 of this title shall be prescribed from time to time by Executive order as authorized by chapter 53 of title 5 or as otherwise authorized by law.

“(b)(1) The grades for positions provided for in paragraph (1) of section 7401 of this title shall be as follows. The annual ranges of rates of basic pay for those grades shall be prescribed from time to time by Executive order as authorized by chapter 53 of title 5 or as otherwise authorized by law:

“PHYSICIAN AND DENTIST SCHEDULE

“Director grade.

“Executive grade.

“Chief grade.

“Senior grade.

“Intermediate grade.

“Full grade.

“Associate grade.

“NURSE SCHEDULE

“Director grade.

“Senior grade.

“Intermediate grade.

“Entry grade.

“CLINICAL PODIATRIST AND OPTOMETRIST SCHEDULE

“Chief grade.

“Senior grade.

“Intermediate grade.

“Full grade.

“Associate grade.

“(2) A person may not hold the director grade in the Physician and Dentist Schedule unless the person is serving as a director of a hospital, domiciliary, center, or outpatient clinic (independent). A person may not hold the executive grade in that Schedule unless the person holds the position of chief of staff at a hospital, center, or outpatient clinic (independent), or comparable position.

“(c) Notwithstanding the provisions of section 7425(a) of this title, a person appointed under section 7306 of this title who is not eligible for special pay under subchapter III shall be deemed to be a career appointee for the purposes of sections 4507 and 5384 of title 5.

“(d) Except as provided under subchapter III and in section 7457 of this title, pay may not be paid at a rate in excess of the rate of basic pay for an appropriate level authorized by section 5315 or 5316 of title 5 for positions in the Executive Schedule, as follows:

“(1) Level IV for the Deputy Chief Medical Director.

“(2) Level V for all other positions for which such basic pay is paid under this section.

“§ 7405. Temporary full-time appointments, part-time appointments, and without-compensation appointments

“(a) The Secretary, upon the recommendation of the Chief Medical Director, may employ, without regard to civil service or classification laws, rules, or regulations, personnel as follows:

“(1) On a temporary full-time basis, part-time basis, or without compensation basis, persons in the following positions:

“(A) Positions listed in section 7401(1) of this title.

“(B) Certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

“(C) Dietitians, social workers, and librarians.

“(D) Other professional, clerical, technical, and unskilled personnel (including interns, residents, trainees, and students in medical support programs).

“(2) On a fee basis, persons in the following positions:

“(A) Positions listed in section 7401(1) of this title.

“(B) Certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists.

“(C) Other professional and technical personnel.

“(b) Personnel employed under subsection (a)—

“(1) shall be in addition to personnel described in section 7306, paragraphs (1) and (3) of section 7401, and section 7408 of this title; and

“(2) shall be paid such rates of pay as the Secretary may prescribe.

“(c)(1) Temporary full-time appointments under this section of persons in positions listed in section 7401(1) of this title may be for a period in excess of 90 days only if the Chief Medical Director finds that circumstances render it impracticable to obtain the necessary services through appointments under that section.

“(2) Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing, approved by the Secretary, or who have successfully

completed a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title in a recognized education or training institution approved by the Secretary, and who are pending registration or licensure in a State, or certification by a national board recognized by the Secretary, shall not exceed two years.

“(3) Temporary full-time appointments of other personnel may not be for a period in excess of one year except as authorized in subsection (f).

“(d) A part-time appointment may not be for a period of more than one year, except for appointments of persons specified in subsection (a)(1)(A) and interns, residents, and other trainees in medical support programs and except as authorized in subsection (f).

“(e) A student who has a temporary appointment under this section and who is pursuing a full course of nursing in a recognized school of nursing approved by the Secretary, or who is pursuing a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title in a recognized education or training institution approved by the Secretary, may be reappointed for a period not to exceed the duration of the student's academic program.

“(f) During any period during which the Secretary is exercising the authority provided in subsections (a) and (f)(1) of section 7403 of this title in connection with the appointment, under paragraph (3) of section 7401 of this title, of personnel in a category of personnel described in such paragraph—

“(1) the Secretary may make temporary full-time appointments of personnel in such category for periods exceeding 90 days if the Chief Medical Director finds that circumstances render it impractical to obtain the necessary services through appointments under paragraph (3) of section 7401 of this title; and

“(2) part-time appointments of personnel in such category may be for periods of more than one year.

“§ 7406. Residencies and internships

“(a)(1) The Secretary may establish residencies and internships. The Secretary may appoint qualified persons to such positions without regard to civil service or classification laws, rules, or regulations.

“(2) For the purposes of this section:

“(A) The term ‘internship’ includes the equivalency of an internship as determined in accordance with regulations which the Secretary shall prescribe.

Regulations.

“(B) The term ‘intern’ means a person serving an internship.

“(b) The Secretary may prescribe the conditions of employment of persons appointed under this section, including necessary training, and the customary amount and terms of pay for such positions during the period of such employment and training. The amount and terms of such pay may be established retroactively based on changes in such customary amount and terms.

“(c)(1) In order to carry out more efficiently the provisions of subsection (a)(1), the Secretary may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Department in the training of interns or residents to provide, by the designation of one such

institution to serve as a central administrative agency, for the central administration—

“(A) of stipend payments;

“(B) provision of fringe benefits; and

“(C) maintenance of records for such interns and residents.

“(2) The Secretary may pay to such designated agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Department hospital of—

“(A) stipends fixed by the Secretary pursuant to paragraph (1);

“(B) hospitalization, medical care, and life insurance and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Department hospital;

“(C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1986, where applicable; and

“(D) an amount to cover a pro rata share of the cost of expense of such central administrative agency.

“(3)(A) Any amounts paid by the Secretary to such central administrative agency to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim such recipient might have to any payment of stipends or employee benefits to which such recipient may be entitled under this title or title 5.

“(B) Notwithstanding subparagraph (A), any period of service of any such intern or resident in a Department hospital shall be deemed creditable service for the purposes of section 8332 of title 5.

“(4) The agreement with such central administrative agency may further provide that the designated central administrative agency shall—

“(A) make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes;

“(B) maintain all records pertinent to such deductions and make proper deposits of such deductions; and

“(C) maintain all records pertinent to the leave accrued by such intern and resident for the period during which such recipient serves in a participating hospital, including a Department hospital.

“(5) Leave described in paragraph (4)(C) may be pooled, and the intern or resident may be afforded leave by the hospital in which such person is serving at the time the leave is to be used to the extent of such person's total accumulated leave, whether or not earned at the hospital in which such person is serving at the time the leave is to be afforded.

“§ 7407. Administrative provisions for section 7405 and 7406 appointments

“(a) When the Chief Medical Director determines that it is not possible to recruit qualified citizens for the necessary services, appointments under sections 7405 and 7406 of this title may be made without regard to the citizenship requirements of section 7402(c) of

this title or of any other law prohibiting the employment of, or payment of compensation to, a person who is not a citizen of the United States.

“(b)(1) Subject to paragraph (2), the Chief Medical Director may waive for the purpose of the appointment of an individual under section 7405 or 7406 of this title the requirements set forth in section 7402(b) of this title—

“(A) that a physician, dentist, psychologist, optometrist, registered nurse, practical or vocational nurse, or physical therapist be licensed or certified, as appropriate;

“(B) that the licensure or certification of such an individual be in a State; and

“(C) that a psychologist have completed an internship.

“(2) The waivers authorized in paragraph (1) may be granted—

“(A) in the case of clauses (A) and (C) of such paragraph, if the individual (i) will be employed to conduct research or serve in an academic position, and (ii) will have no responsibility for furnishing direct patient care services; and

“(B) in the case of clause (B) of such paragraph, if the individual will be employed to serve in a country other than the United States and the individual's licensure or registration is in the country in which the individual is to serve.

“(c) The program of training prescribed by the Secretary in order to qualify a person for the position of full-time physician assistant or expanded-function dental auxiliary shall be considered a full-time institutional program for purposes of chapter 34 of this title. The Secretary may consider training for such a position to be on a less than full-time basis for purposes of such chapter when the combined classroom (and other formal instruction) portion of the program and the on-the-job training portion of the program total less than 30 hours per week.

“(d) A person may not be appointed under section 7405 or 7406 of this title to an occupational category described in section 7401(1) of this title or in section 7406 of this title unless the person meets the requirements established in section 7402(d) of this title and regulations prescribed under that section.

“(e) In accordance with the provisions of section 7425(b) of this title, the provisions of chapter 34 of title 5 pertaining to part-time career employment shall not apply to part-time appointments under sections 7405 and 7406 of this title.

“§ 7408. Appointment of additional employees

“(a) There shall be appointed by the Secretary under civil-service laws, rules, and regulations, such additional employees, other than those provided in section 7306 and paragraphs (1) and (3) of section 7401 of this title and those specified in sections 7405 and 7406 of this title, as may be necessary to carry out the provisions of this chapter.

“(b) The Secretary, after considering an individual's existing pay, higher or unique qualifications, or the special needs of the Department, may appoint the individual to a position in the Administration providing direct patient-care services or services incident to direct patient-services at a rate of pay above the minimum rate of the appropriate grade.

“§ 7409. Contracts for scarce medical specialist services

“(a) The Secretary may enter into contracts with institutions and persons described in subsection (b) to provide scarce medical special-

ist services at Department facilities. Such services may include the services of physicians, dentists, podiatrists, optometrists, nurses, physician assistants, expanded-function dental auxiliaries, technicians, and other medical support personnel.

“(b) Institutions and persons with whom the Secretary may enter into contracts under subsection (a) are the following:

“(1) Schools and colleges of medicine, osteopathy, dentistry, podiatry, optometry, and nursing.

“(2) Clinics.

“(3) Any other group or individual capable of furnishing such scarce medical specialist services.”

(3) Subchapter II of such chapter (as added by section 202) is amended—

(A) by adding at the end of section 7423 the following new subsection:

“(e)(1) The Secretary shall establish a leave transfer program for the benefit of health-care professionals in positions listed in section 7401(1) of this title. The Secretary may also establish a leave bank program for the benefit of such health-care professionals.

“(2) To the maximum extent feasible—

“(A) the leave transfer program shall provide the same or similar requirements and conditions as are provided for the program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5; and

“(B) any leave bank program established pursuant to paragraph (1) shall be consistent with the requirements and conditions provided for agency leave bank programs in subchapter IV of such chapter.

“(3) Participation by a health-care professional in the leave transfer program established pursuant to paragraph (1), and in any leave bank program established pursuant to such paragraph, shall be voluntary. The Secretary may not require any health-care professional to participate in such a program.

“(4)(A) The Secretary and the Director of the Office of Personnel Management may enter into an agreement that permits health-care professionals referred to in paragraph (1) to participate in the leave transfer program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5 or in any leave bank program established for other employees of the Department pursuant to subchapter IV of chapter 63 of title 5, or both.

“(B) Participation of such health-care professionals in a leave transfer program or a leave bank program pursuant to an agreement entered into under subparagraph (A) shall be subject to such requirements and conditions as may be prescribed in such agreement.

“(5) The Secretary is not required to establish a leave transfer program for any personnel permitted to participate in a leave transfer program pursuant to an agreement referred to in paragraph (4).”; and

(B) by adding at the end the following new sections:

“§ 7424. Travel expenses of certain employees

“(a) The Secretary may pay the expenses (other than membership fees) of persons described in sections 7306 and 7401(1) of this title (including persons in positions described in section 7401(1) of this title who are appointed on a temporary full-time basis or a part-time

basis under section 7405 of this title) who are detailed by the Chief Medical Director to attend meetings of associations for the promotion of medical and related science.

“(b)(1) The Secretary may prescribe regulations establishing conditions under which officers and employees of the Administration who are nationally recognized principal investigators in medical research may be permitted to accept payment, in cash or in kind, from non-Federal agencies, organizations, and individuals for travel and such reasonable subsistence expenses as are approved by the Secretary pursuant to such regulations—

“(A) in connection with their attendance at meetings or in performing advisory services concerned with the functions or activities of the Department; or

“(B) in connection with acceptance of significant awards or with activity related thereto concerned with functions or activities of the Department.

“(2) Any such payment may be retained by such officers and employees to cover the cost of such expenses or shall be deposited to the credit of the appropriation from which the cost of such expenses is paid, as may be provided in such regulations.

“§ 7425. Employees: laws not applicable

“(a) Physicians, dentists, nurses, and other health-care professionals employed by the Administration and appointed under section 7306, 7401(1), 7405, or 7406 of this chapter are not subject to the following provisions of law:

“(1) Section 413 of the Civil Service Reform Act of 1978.

“(2) Subchapter II of chapter 31 of title 5.

“(3) Subchapter VIII of chapter 33 of title 5.

“(4) Subchapter V of chapter 35 of title 5.

“(5) Subchapter II of chapter 43 of title 5.

“(6) Section 4507 of title 5.

“(7) Subchapter VIII of chapter 53 of title 5.

“(8) Subchapter V of chapter 75 of title 5.

“(b) Notwithstanding any other provision of law, no provision of title 5 or any other law pertaining to the civil service system which is inconsistent with any provision of section 7306 of this title or this chapter shall be considered to supersede, override, or otherwise modify such provision of that section or this chapter except to the extent that such provision of title 5 or of such other law specifically provides, by specific reference to a provision of this chapter, or such provision to be superseded, overridden, or otherwise modified.

“§ 7426. Retirement rights

“(a) Except as provided in subsection (b), persons appointed to the Administration shall be subject to the provisions of and entitled to benefits under subchapter III of chapter 83 of title 5 or subchapter II of chapter 84 of title 5, whichever is applicable.

“(b)(1) In computing the annuity under subchapter III of chapter 83, or subchapter II of chapter 84, of title 5 of an individual who retires under such subchapter (other than under section 8337 or 8451 of such title) after December 31, 1981, and who served at any time on a less-than-full-time basis in a position in the Administration to which such individual was appointed under subchapter I—

“(A) for the purpose of determining such individual's average pay, as defined by section 8331(4) or 8401(3) of title 5, whichever

is applicable, the annual rate of basic pay for full-time service shall be deemed to be such individual's rate of basic pay; and "(B) the amount of such individual's annuity as computed under section 8339 or 8415 of title 5 (before application of any reduction required by subsection (i) of section 8339) shall be multiplied by the fraction equal to the ratio that that individual's total full-time equivalent service bears to that individual's creditable service as determined under section 8332 or 8411 of title 5, whichever is applicable.

"(2) For the purposes of paragraph (1)(B), an individual's full-time equivalent service is the individual's creditable service as determined under section 8332 or 8411 of title 5, whichever is applicable, except that any period of service of such individual served on a less-than-full-time basis shall be prorated based on the fraction such service bears to full-time service. For the purposes of the preceding sentence, full-time service shall be considered to be 80 hours of service per biweekly pay period.

"(3) A survivor annuity computed under section 8341, or subchapter IV of chapter 84, of title 5 based on the service of an individual described in paragraph (1) shall be computed based upon such individual's annuity as determined in accordance with such paragraph.

"(c) The Secretary may authorize an exception to the restrictions in subsections (a), (b), and (c) of section 5532 of title 5 if necessary to meet special or emergency employment needs which result from a severe shortage of well-qualified candidates in physician positions, and registered nurse positions, which otherwise cannot be readily met. The authority of the Secretary under the preceding sentence with respect to registered-nurse positions expires on September 30, 1992."

Termination
date.

(4) Chapter 74 is further amended by inserting after subchapter III (as added by section 102) the following:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

"§ 7453. Nurses: additional pay

"(a) In addition to the rate of basic pay provided for nurses, a nurse shall receive additional pay as provided by this section.

"(b) A nurse performing service on a tour of duty, any part of which is within the period commencing at 6 postmeridian and ending at 6 antemeridian, shall receive additional pay for each hour of service on such tour at a rate equal to 10 percent of the nurse's hourly rate of basic pay if at least four hours of such tour fall between 6 postmeridian and 6 antemeridian. When less than four hours of such tour fall between 6 postmeridian and 6 antemeridian, the nurse shall be paid the differential for each hour of service performed between those hours.

"(c) A nurse performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay for each hour of service on such tour at a rate equal to 25 percent of such nurse's hourly rate of basic pay.

"(d) A nurse performing service on a holiday designated by Federal statute or Executive order shall receive for each hour of such service the nurse's hourly rate of basic pay, plus additional pay at a

rate equal to such hourly rate of basic pay, for that holiday service, including overtime service. Any service required to be performed by a nurse on such a designated holiday shall be deemed to be a minimum of two hours in duration.

“(e)(1) A nurse performing officially ordered or approved hours of service in excess of 40 hours in an administrative workweek, or in excess of eight hours in a day, shall receive overtime pay for each hour of such additional service. The overtime rates shall be one and one-half times such nurse’s hourly rate of basic pay.

“(2) For the purposes of this subsection, overtime must be of at least 15 minutes duration in a day to be creditable for overtime pay.

“(3) Compensatory time off in lieu of pay for service performed under the provisions of this subsection shall not be permitted, except as voluntarily requested in writing by the nurse in question.

“(4) Any excess service performed under this subsection on a day when service was not scheduled for such nurse, or for which such nurse is required to return to the nurse’s place of employment, shall be deemed to be a minimum of two hours in duration.

“(5) For the purposes of this subsection, the period of a nurse’s officially ordered or approved travel away from such nurse’s duty station may not be considered to be hours of service unless—

“(A) such travel occurs during such nurse’s tour of duty; or

“(B) such travel—

“(i) involves the performance of services while traveling,

“(ii) is incident to travel that involves the performance of services while traveling,

“(iii) is carried out under arduous conditions as determined by the Secretary, or

“(iv) results from an event which could not be scheduled or controlled administratively.

“(f) For the purpose of computing the additional pay provided by subsections (b), (c), (d), or (e), a nurse’s hourly rate of basic pay shall be derived by dividing such nurse’s annual rate of basic pay by 2,080.

“(g) When a nurse is entitled to two or more forms of additional pay under subsections (b), (c), (d), or (e) for the same period of service, the amounts of such additional pay shall be computed separately on the basis of such nurse’s hourly rate of basic pay, except that no overtime pay as provided in subsection (e) shall be payable for overtime service performed on a holiday designated by Federal statute or Executive order in addition to pay received under subsection (d) for such service.

“(h) A nurse who is officially scheduled to be on call outside such nurse’s regular hours or on a holiday designated by Federal statute or Executive order shall be paid for each hour of such on-call duty, except for such time as such nurse may be called back to work, at a rate equal to 10 percent of the hourly rate for excess service as provided in subsection (e).

“(i) Any additional pay paid pursuant to this section shall not be considered as basic pay for the purposes of the following provisions of title 5 (and any other provision of law relating to benefits based on basic pay):

“(1) Subchapter VI of chapter 55.

“(2) Section 5595.

“(3) Chapters 81, 83, 84, and 87 of title 5.

“(j)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary may increase the rates of additional

pay authorized under subsections (b) through (h) if the Secretary determines that it is necessary to do so in order to obtain or retain the services of nurses.

“(2) An increase under paragraph (1) in rates of additional pay—

“(A) may be made at any specific Department health-care facility in order to provide nurses, or any category of nurses, at such facility additional pay in an amount competitive with, but not exceeding, the amount of the same type of pay that is paid to the same category of nurses at non-Federal health-care facilities in the same geographic area as such Department health-care facility (based upon a reasonably representative sampling of such non-Federal facilities); and

“(B) may be made on a nationwide, local, or other geographic basis if the Secretary finds that such an increase is justified on the basis of a review of the need for such increase (based upon a reasonably representative sampling of non-Federal health-care facilities in the geographic area involved).

“§ 7454. Physician assistants and other health care professionals: additional pay

“(a) Physician assistants and expanded-function dental auxiliaries shall be entitled to additional pay on the same basis as provided for nurses in section 7453 of this title.

“(b) When the Secretary determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, or occupational therapists, the Secretary may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in section 7453 of this title.

“(c) The Secretary shall prescribe by regulation standards for compensation and payment under this section.

“§ 7455. Increases in rates of basic pay

“(a)(1) Subject to subsections (b), (c), and (d), when the Secretary determines it to be necessary in order to obtain or retain the services of persons described in paragraph (2), the Secretary may increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations. Any increase in such rates of basic pay—

“(A) may be made on a nationwide basis, local basis, or other geographic basis; and

“(B) may be made—

“(i) for one or more of the grades listed in the schedules in subsection (b)(1) of section 7404 of this title;

“(ii) for one or more of the health personnel fields within such grades; or

“(iii) for one or more of the grades of the General Schedule under section 5332 of title 5.

“(2) Paragraph (1) applies to the following:

“(A) Individuals employed in positions listed in paragraphs (1) and (3) of section 7401 of this title.

“(B) Health-care personnel who—

“(i) are employed in the Administration (other than administrative, clerical, and physical plant maintenance and protective services employees);

“(ii) are paid under the General Schedule pursuant to section 5332 of title 5;

“(iii) are determined by the Secretary to be providing either direct patient-care services or services incident to direct patient-care services; and

“(iv) would not otherwise be available to provide medical care and treatment for veterans.

“(C) Employees who are Department police officers providing services under section 218 of this title.

“(b) Increases in rates of basic pay may be made under subsection (a) only in order—

“(1) to provide pay in an amount competitive with, but not exceeding, the amount of the same type of pay paid to the same category of personnel at non-Federal facilities in the same labor market;

“(2) to achieve adequate staffing at particular facilities; or

“(3) to recruit personnel with specialized skills, especially those with skills which are especially difficult or demanding.

“(c) The amount of any increase under subsection (a) in the maximum rate for any grade may not (except in the case of nurse anesthetists and licensed physical therapists) exceed the amount by which the maximum for such grade (under applicable provisions of law other than this subsection) exceeds the minimum for such grade (under applicable provisions of law other than this subsection), and the maximum rate as so increased may not exceed the rate paid for individuals serving as Assistant Chief Medical Director.

“(d)(1) In the exercise of the authority provided in subsection (a) with respect to personnel described in subparagraph (B) or (C) of paragraph (2) of that subsection to increase the rates of basic pay for any category of personnel not appointed under subchapter I, the Secretary shall, not less than 45 days before the effective date of a proposed increase, notify the President of the Secretary's intention to provide such an increase.

President.

“(2) Such a proposed increase shall not take effect if, before the effective date of the proposed increase, the President disapproves such increase and provides the appropriate committees of the Congress with a written statement of the President's reasons for such disapproval.

“(3) If, before that effective date, the President approves such increase, the Secretary may advance the effective date to any date not earlier than the date of the President's approval.

“§ 7456. Nurses: special rules for weekend duty

“(a) Subject to subsection (b), if the Secretary determines it to be necessary in order to obtain or retain the services of nurses at any Department health-care facility, the Secretary may provide, in the case of nurses appointed under this chapter and employed at such facility, that such nurses who work two regularly scheduled 12-hour tours of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings) to have worked a full 40-hour basic workweek.

“(b)(1) Basic and additional pay for a nurse who is considered under subsection (a) to have worked a full 40-hour basic workweek shall be subject to paragraphs (2) and (3).

“(2) The hourly rate of basic pay for such a nurse for service performed as part of a regularly scheduled 12-hour tour of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be derived by dividing the nurse’s annual rate of basic pay by 1,248.

“(3)(A) Such a nurse who performs a period of service in excess of such nurse’s regularly scheduled two 12-hour tours of duty is entitled to overtime pay under section 7453(e) of this title, or other applicable law, for officially ordered or approved service performed in excess of eight hours on a day other than a Saturday or Sunday or in excess of 24 hours within the period commencing at midnight Friday and ending at midnight the following Sunday.

“(B) Except as provided in subparagraph (C), a nurse to whom this subsection is applicable is not entitled to additional pay under section 7453 of this title, or other applicable law, for any period included in a regularly scheduled 12-hour tour of duty.

“(C) If the Secretary determines it to be further necessary in order to obtain or retain the services of nurses at a particular facility, a nurse to whom this paragraph is applicable who performs service in excess of such nurse’s regularly scheduled two 12-hour tours of duty may be paid overtime pay under section 7453(e) of this title, or other applicable law, for all or part of the hours of officially ordered or approved service performed by such nurse in excess of 40 hours during an administrative workweek.

“(c) A nurse described in subsection (b)(1) who is absent on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty shall be charged for such leave at a rate of five hours of leave for three hours of absence.

“(d) The Secretary shall prescribe regulations for the implementation of this section.

“§ 7457. On-call pay

“(a) The Secretary may pay an employee to whom this section applies pay at the rate provided in section 7453(h) of this title except for such time as the employee may be called back to work.

“(b) This section applies to an employee who meets each of the following criteria:

“(1) The employee is employed in a position listed in paragraph (3) of section 7401 of this title or meets the criteria specified in clauses (i), (ii), and (iii) of section 7455(a)(2)(B) of this title.

“(2) The employee is employed in a work unit for which on-call premium pay is authorized.

“(3) The employee is officially scheduled to be on call outside such employee’s regular hours or on a holiday designated by Federal statute or Executive order.

“(c) An employee who is eligible for on-call pay under subsection (a) and who was receiving standby premium pay pursuant to section 5545 of title 5 on May 20, 1988, shall, as long as such employee is employed in the same position and work unit and remains eligible for such standby pay, receive pay for any period of on-call duty at the rate equal to the greater of—

“(1) the rate of pay which such employee would receive if being paid the rate of standby pay pursuant to such section that such individual would be entitled to receive if such individual were not scheduled to be on call instead, or

Regulations.

“(2) the rate of pay which such employee is entitled to receive including on-call premium pay described in subsection (a).”.

(5) Such chapter is further amended by adding after subchapter V (as added by section 203(a)) the following:

**“SUBCHAPTER VI—REGIONAL MEDICAL EDUCATION
CENTERS**

“§ 7471. Designation of Regional Medical Education Centers

“(a) In carrying out the Secretary’s functions under section 7302 of this title with regard to the training of health personnel, the Secretary shall implement a program under which the Secretary shall designate as Regional Medical Education Centers such Department hospitals as the Secretary determines appropriate to carry out the provisions of this subchapter.

“(b) Each Regional Medical Education Center (hereinafter in this subchapter referred to as ‘Center’) designated under subsection (a) shall provide continuing medical and related education programs for personnel eligible for training under this subchapter. Such programs shall include the following:

“(1) The teaching of newly developed medical skills and the use of newly developed medical technologies and equipment.

“(2) Advanced clinical instruction.

“(3) The opportunity for conducting clinical investigations.

“(4) Clinical demonstrations in the use of new types of health personnel and in the better use of the skills of existing health personnel.

“(5) Routine verification of basic medical skills and, where determined necessary, remediation of any deficiency in such skills.

“§ 7472. Supervision and staffing of Centers

“(a) Centers shall be operated under the supervision of the Chief Medical Director and shall be staffed with personnel qualified to provide the highest quality instruction and training in various medical and health care disciplines.

“(b) As a means of providing appropriate recognition to persons in the career service of the Administration who possess outstanding qualifications in a particular medical or health care discipline, the Chief Medical Director shall from time to time and for such period as the Chief Medical Director considers appropriate assign such persons to serve as visiting instructors at Centers.

“(c) Whenever the Chief Medical Director considers it necessary for the effective conduct of the program provided for under this subchapter, the Chief Medical Director may contract for the services of highly qualified medical and health personnel from outside the Department to serve as instructors at such Centers.

“§ 7473. Personnel eligible for training

“(a) The Chief Medical Director shall determine the manner in which personnel are to be selected for training in the Centers. Preference shall be given to career personnel of the Administration.

“(b) To the extent that facilities are available medical and health personnel from outside the Administration may, on a reimbursable basis, be provided training in the Centers. Such reimbursement may include reciprocal training of personnel of the Administration pro-

vided under sharing arrangements entered into by the Chief Medical Director and the heads of the entities providing such reciprocal training. Any amounts received by the United States as reimbursement under this subsection shall be credited to the applicable Department medical appropriation account.

“§ 7474. Consultation

“The Chief Medical Director shall carry out this subchapter after consultation with the special medical advisory group established pursuant to section 7312(a) of this title.”

(c) TRANSFERS OF CHAPTER 73 SECTIONS TO NEW CHAPTER 74.—(1)(A) Sections 4141 and 4142, as amended by section 301, are redesignated as sections 7451 and 7452, respectively, and are transferred to subchapter IV of chapter 74, as added by subsection (b), and inserted before section 7453.

(B) The heading for subchapter IV of chapter 73, as added by section 102(b) of Public Law 101-366, is repealed.

(2) Section 7451, as so redesignated and transferred, is amended—

(A) in subsection (a)—

(i) by striking out “clauses (1) and (3) of section 4104” in paragraph (2)(B) and inserting in lieu thereof “paragraphs (1) and (3) of section 7401”;

(ii) by striking out “section 4107” in paragraph (3) and inserting in lieu thereof “section 7404”;

(iii) by striking out “section 4142” in paragraph (4) and inserting in lieu thereof “section 7452”;

(B) by striking out “section 4104(1)” and “section “4107(b)” in subsection (b) and inserting in lieu thereof “section 7401(1)” and “section 7404(b)”, respectively; and

(C) by striking out “section 4142(b)(2)” in subsection (g)(8) and inserting in lieu thereof “section 7452(b)(2)”.

(3) Section 7452, as so redesignated and transferred, is amended—

(A) in subsection (a)—

(i) by striking out “section 4141(a)” in paragraph (1) and inserting in lieu thereof “section 7451(a)”; and

(ii) by striking out “section 4141(c)(1)” in paragraph (2) and inserting in lieu thereof “section 7451(c)(1)”; and

(B) by striking out “section 4141(g)” in subsection (b)(2) and inserting in lieu thereof “section 7451(g)”; and

(C) by striking out “section 4104(1)” in subsections (c)(1) and (e) and inserting in lieu thereof “section 7401(1)”; and

(D) by striking out “section 4141” in subsection (f) and inserting in lieu thereof “section 7451”.

(4) Section 4120 of such title, as in effect on the day before the date of the enactment of this Act, is redesignated as section 7458, transferred to the end of subchapter IV of chapter 74 of that title, as added by subsection (b), and amended by striking out “section 4118 of this title” in subsection (f) and inserting in lieu thereof “subchapter III”.

SEC. 402. REDESIGNATION OF SECTIONS OF CHAPTERS 51 THROUGH 85.

(a) TRANSFER OF CHAPTER 75.—Chapter 75 is transferred to the end of part V and is redesignated as chapter 78.

(b) REDESIGNATION OF SECTIONS TO CONFORM TO CHAPTER NUMBERS.—(1) Each section contained in any of chapters 51, 53, 55, 57, 59, 61, 71, 72, 76, 78 (as redesignated by subsection (a)), 81, 83, and 85 is redesignated so that the first two digits of the section number of

that section are the same as the chapter number of the chapter containing that section.

(2) Chapter 82 is amended—

(A) by redesignating section 5070 as section 8201;

(B) by redesignating sections 5071, 5072, 5073, and 5074 as sections 8211, 8212, 8213, and 8214, respectively;

(C) by redesignating sections 5081, 5082, and 5083 as sections 8221, 8222, and 8223, respectively;

(D) by redesignating sections 5091, 5092, and 5093 as sections 8231, 8232, and 8233, respectively; and

(E) by redesignating section 5096 as section 8241.

(c) TABLES OF SECTIONS AND CHAPTERS.—(1) The tables of sections at the beginning of the chapters referred to in subsection (b) are revised so as to conform the section references in those tables to the redesignations made by that subsection.

(2) The table of chapters before part I and the tables of chapters at the beginning of parts IV, V, and VI are revised so as to conform the section references in those tables to the redesignations made by subsection (b).

(d) CROSS-REFERENCES.—(1) Each provision of title 38, United States Code, that contains a reference to a section redesignated by section 401(a)(4) or by subsection (b) is amended so that the reference refers to the section as redesignated.

(2) Any reference in a provision of law other than title 38, United States Code, to a section redesignated by subsection (b) shall be deemed to refer to the section as so redesignated.

SEC. 403. CONFORMING AMENDMENTS.

(a) SUBCHAPTERS OF CHAPTER 73.—Subchapter III and subchapter IV (as redesignated by section 401(a)(2)) of chapter 73 are amended—

(1) by striking out “Administrator” and “Administrator’s” each place they appear and inserting in lieu thereof “Secretary” and “Secretary’s”, respectively; and

(2) by striking out “Veterans’ Administration” each place it appears and inserting in lieu thereof “Department”;

(3) by striking out “section 4101(c)(1)” in section 7362 and inserting in lieu thereof “section 7303(a)”;

(4) by striking out “of this section” and “of this subsection” each place they appear (other than in subsections (d), (e), and (g) of section 7332 and in section 7333(b)); and

(5) by striking out “of this paragraph” in section 7332(f)(2)(B).

(b) REFERENCES TO CHAPTER 73 PROVISIONS.—

(1) Section 1904(a) is amended by striking out “section 4101” and inserting in lieu thereof “section 7303”.

(2) Section 5705(a) (as redesignated by section 402(b)) is amended by striking out “section 4152(b)” and inserting in lieu thereof “section 7311(g)”.

(3) Section 7604(1)(B) (as redesignated by section 402(b)) is amended by striking out “section 4105” and inserting in lieu thereof “section 7402”.

(4) Section 7612(b) (as redesignated by section 402(b)) is amended—

(A) in paragraph (2)—

(i) by striking out “section 4104” in the matter preceding subparagraph (A) and inserting in lieu thereof “section 7401”; and

(ii) by striking out “section 4104(3)” in subparagraph (B) and inserting in lieu thereof “section 7401(3)”; and
 (B) in paragraph (3), by striking out “section 4107(g)(1)(B) of this title” and inserting in lieu thereof “subsection (a)(1) of section 7455 of this title for personnel described in subsection (a)(2)(B) of such section”.

(5) Section 7616(b)(4) (as redesignated by section 402(b)) is amended by striking out “section 4108(c)(1)” and inserting in lieu thereof “section 7423(d)(1)”.

(6) Section 8201(f) (as redesignated by section 402(b)) is amended by striking out “section 4101(b)” and inserting in lieu thereof “section 7302”.

(7) Section 8241 (as redesignated by section 402(b)) is amended by striking out “section 4101(b)” and inserting in lieu thereof “section 7302”.

(c) REFERENCES IN TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 5102(c) is amended—

(A) in paragraph (14), by striking out “section 4202 of title 38” and inserting in lieu thereof “section 7802 of title 38”; and

(B) in paragraph (16), by striking out “section 4114” and inserting in lieu thereof “sections 7405 and 7406”.

(2) Section 6123 is amended—

(A) in subsection (a)(1), by striking out “section 4107(e)(5)” and inserting in lieu thereof “section 7453(e)”; and

(B) in subsection (c)(2)—

(i) by striking out “section 4107(e)(2)” in the matter preceding subparagraph (A) and inserting in lieu thereof “section 7453(b)”; and

(ii) by striking out “subsection (e)(2) of such section 4107” in subparagraph (B) and inserting in lieu thereof “subsection (b) of such section 7453”.

(3) Section 6128(a) is amended by striking out “section 4107(e)(5)” and inserting in lieu thereof “section 7453(e)”.

(e) PART V HEADING.—

(1) The heading of part V is amended to read as follows:

“PART V—BOARDS, ADMINISTRATIONS, AND SERVICES”.

(2) The item relating to part V in the table of parts before part I is amended to read as follows:

“V. Boards, Administrations, and Services..... 7101”.

(f) TABLES OF CHAPTERS.—

(1) The table of chapters before part I is amended—

(A) by striking out the heading for part V and inserting in lieu thereof the following:

“PART V—BOARDS, ADMINISTRATIONS, AND SERVICES”;

(B) by striking out the items relating to chapters 73 and 75 and inserting in lieu thereof the following:

- "73. Veterans Health Administration—Organization and Functions 7301
 "74. Veterans Health Administration—Personnel 7401";
 and
 (C) by inserting after the item relating to chapter 76 the following new item:
 "78. Veterans' Canteen Service 7801".
 (2) The table of chapters at the beginning of part V is amended—
 (A) by striking out the items relating to chapters 73 and 75 and inserting in lieu thereof the following:
 "73. Veterans Health Administration—Organization and Functions 7301
 "74. Veterans Health Administration—Personnel 7401";
 and
 (B) by adding at the end the following new item:
 "78. Veterans' Canteen Service 7801".

Approved May 7, 1991.

LEGISLATIVE HISTORY—H.R. 598 (S. 675):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Jan. 30, considered and passed House.

Apr. 17, considered and passed Senate, amended, in lieu of S. 675.

Apr. 23, House concurred in Senate amendment.

Public Law 102-41
102d Congress

Joint Resolution

May 8, 1991

[H.J. Res. 214]

Recognizing the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

Whereas the purpose of the United States space program is to promote the peaceful exploration of space for the benefit of mankind;

Whereas the United States space program, including the Mercury, Gemini, and Apollo missions and the Space Shuttle program, have made the United States the scientific and technological leader in aeronautical and space activities;

Whereas several citizens of the United States have exhibited the ultimate level of bravery by giving their lives in furtherance of the United States space program;

Whereas the Astronauts Memorial Foundation, the citizens of the State of Florida, and others have raised funds for the establishment of a memorial to honor the astronauts of the United States space program who die in the line of duty and have established a trust fund for the memorial's perpetual care;

Whereas construction of such memorial is expected to be completed by May 1991; and

Whereas it is appropriate to recognize the national importance of such memorial: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

16 USC 431 note.

(1) the memorial known as the Astronauts Memorial, located at the John F. Kennedy Space Center in Brevard County, Florida, is recognized as the national memorial to astronauts who die in the line of duty; and

(2) the National Aeronautics and Space Administration shall continue to have administrative jurisdiction for the care and management of the memorial and over the grounds on which the memorial is located.

Approved May 8, 1991.

LEGISLATIVE HISTORY—H.J. Res. 214:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 30, considered and passed House.

May 6, considered and passed Senate.

Public Law 102-42
102d Congress

Joint Resolution

To designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month".

May 14, 1991
[H.J. Res. 173]

Whereas, on May 7, 1843, the 1st Japanese immigrants came to the United States and, on May 10, 1869, Golden Spike Day, the 1st transcontinental railroad in the United States was completed with significant contributions from Chinese pioneers;

Whereas, in 1979, the President proclaimed the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week, providing an opportunity for the people of the United States to recognize the history, concerns, contributions, and achievements of Asian and Pacific Americans;

Whereas more than 6.9 million people in the United States can trace their roots to Asia and the islands of the Pacific; and

Whereas Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, and education in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) May 1991 and May 1992 are each designated as "Asian/Pacific American Heritage Month";

(2) the President is authorized and requested to issue a proclamation for each such month calling on the people of the United States to observe such month with appropriate ceremonies and activities; and

(3) the chief executive officer of each State and locality is requested to issue a proclamation for each such month calling on the people of the State or locality to observe such month with appropriate programs, ceremonies and activities.

Approved May 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 173:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 24, considered and passed House.
Apr. 25, considered and passed Senate.

Public Law 102-43
102d Congress

Joint Resolution

May 14, 1991
[H.J. Res. 194]

Designating May 12, 1991, as "Infant Mortality Awareness Day".

Whereas in 1988 the infant mortality rate in the United States decreased from 10.1 to 10 infant deaths per 1,000 live births, while the United States international ranking in infant mortality improved from 22nd to 21st;

Whereas, although our Nation has made progress against infant mortality, more than 38,000 babies will die in 1991 before their first birthday;

Whereas in 1991 approximately 375,000 babies will be born exposed to drugs, and an estimated 100,000 of those babies will be born addicted to crack cocaine;

Whereas hospital costs for a drug exposed infant can be four times that of an infant with no indication of drug exposure; and

Whereas in 1991 approximately 2,000 babies will be infected by the Human Immunodeficiency Virus (AIDS), and between 1989 and 1990 there has been a 24 percent increase in overall pediatric AIDS cases compared to a 15 percent increase among adult AIDS cases: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the level of infant mortality is still too high and designates May 12, 1991, as "Infant Mortality Awareness Day", and the President is authorized and requested to issue a proclamation encouraging the people of the United States to work toward the birth of healthy babies.

Approved May 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 194:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 2, considered and passed House.
May 7, considered and passed Senate.

Public Law 102-44
102d Congress

Joint Resolution

Designating each of the weeks beginning May 12, 1991, and May 10, 1992, as
"Emergency Medical Services Week".

May 15, 1991
[H.J. Res. 109]

Whereas the members of emergency medical services teams devote their lives to saving the lives of others;

Whereas emergency medical services teams consist of emergency physicians, nurses, emergency medical technicians, paramedics, educators, and administrators;

Whereas the people of the United States benefit daily from the knowledge and skill of these trained individuals;

Whereas advances in emergency medical care increase the number of lives saved every year;

Whereas the professional organizations of providers of emergency medical services promote research to improve emergency medical care;

Whereas the members of emergency medical services teams work together to improve and adapt their skills as new methods of emergency treatment are developed;

Whereas the members of emergency medical services teams encourage national standardization of training and testing of emergency medical personnel and reciprocal recognition of training and credentials by the States;

Whereas the designation of Emergency Medical Services Week will serve to educate the people of the United States about accident prevention and what to do when confronted with a medical emergency; and

Whereas it is appropriate to recognize the value and the accomplishments of emergency medical services teams by designating Emergency Medical Services Week: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the weeks beginning May 12, 1991, and May 10, 1992, is designated as "Emergency Medical Services Week", and the President is authorized and requested to issue a proclamation calling upon the people of the

United States to observe such week with appropriate ceremonies and activities.

Approved May 15, 1991.

LEGISLATIVE HISTORY—H.J. Res. 109:

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 2, considered and passed House.

May 9, considered and passed Senate.

Public Law 102-45
102d Congress

An Act

To authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict.

May 17, 1991
[H.R. 2122]

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 "Emergency Supplemental Persian Gulf Refugee Assistance Act of 1991".

Emergency
Supplemental
Persian Gulf
Refugee
Assistance
Act of 1991.

SEC. 2. EMERGENCY ASSISTANCE FOR REFUGEES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated as supplemental appropriations for fiscal year 1991 for emergency humanitarian assistance for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict, and to reimburse appropriations accounts from which such assistance was provided before the date of the enactment of this Act—

(1) up to \$150,000,000 for "International Disaster Assistance" under chapter 9 of part I of the Foreign Assistance Act of 1961; and

(2) up to \$200,000,000 for "Migration and Refugee Assistance" for the Department of State.

(b) EMERGENCY MIGRATION AND REFUGEE ASSISTANCE.—For purposes of section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, the limitation on appropriations for the "United States Emergency Refugee and Migration Assistance Fund" for fiscal year 1991 shall be deemed to be \$75,000,000.

(c) CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated as supplemental appropriations for fiscal year 1991 for peacekeeping activities in the Persian Gulf region and to reimburse accounts for which such activities have been funded before the date of enactment of this Act up to \$50,000,000 for "Contributions to International Peacekeeping Activities" for the Department of State.

(d) OTHER AUTHORITIES.—

(1) INTERNATIONAL DISASTER ASSISTANCE.—Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

(2) SPECIAL AUTHORITY.—The value of any defense articles, defense services, and military education and training authorized to be drawdown by the President on April 19, 1991, under the authority of section 506(a)(2)(B) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

(3) AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954 (PUBLIC LAW 480).—Notwithstanding subsections (b) and (c) of section 412 of the Agricultural Trade Development and Assistance Act of 1954 or any other provision of law, funds made available for any title of such Act by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991, may be used for purposes of title II of the Agricultural Trade Development and Assistance Act of 1954.

(d) WAIVER OF COUNTRY SPECIFIC RESTRICTIONS.—Assistance may be provided under this section notwithstanding any provision of law which restricts assistance to particular countries.

(e) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under this section are authorized to remain available until expended.

(f) SOURCES OF FUNDS.—Notwithstanding any other provision of law, amounts authorized to be appropriated under this section are authorized to be appropriated from the Defense Cooperation Account of the United States Treasury, the Persian Gulf Regional Defense Fund of the United States Treasury, or the General Fund of the Treasury.

(g) DESIGNATION AS EMERGENCY FOR BUDGETARY PURPOSES.—Funds authorized to be appropriated under this section may be designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Approved May 17, 1991.

LEGISLATIVE HISTORY—H.R. 2122:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Apr. 30, considered and passed House.
May 9, considered and passed Senate.

Public Law 102-46
102d Congress

An Act

To correct an error in the Solar, Wind, Waste, and Geothermal Power Production
Incentives Act of 1990.

May 17, 1991
[S. 258]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(17)(E) of the Federal Power Act, as amended, is further amended by striking “, and which would otherwise not qualify as a small power production facility because of the power production capacity limitation contained in subparagraph (A)(ii)”.

16 USC 796.

Approved May 17, 1991.

LEGISLATIVE HISTORY—S. 258:

SENATE REPORTS: No. 102-11 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 11, considered and passed Senate.

Apr. 30, considered and passed House.

Public Law 102-47
102d Congress

Joint Resolution

May 20, 1991
[H.J. Res. 154]

Designating the month of May 1991, as "National Foster Care Month".

Whereas today there are more than 250,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture to children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their homes and family lives to foster children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May 1991: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "National Foster Care Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

Approved May 20, 1991.

LEGISLATIVE HISTORY—H.J. Res. 154:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 24, considered and passed House.

May 8, considered and passed Senate.

Public Law 102-48
102d Congress

Joint Resolution

Designating May 22, 1991, as "National Desert Storm Reservists Day".

May 21, 1991
[S.J. Res. 134]

- Whereas Operation Desert Shield/Desert Storm was the first Presidential call-up of members of the reserve components of the United States Armed Forces in over two decades;
- Whereas the Secretary of Defense authorized the call to active duty of 360,000 members of the Ready Reserve;
- Whereas in excess of 223,000 of the members of the Ready Reserve were actually ordered to active duty and 106,000 served in the Kuwait Theater of Operations of Desert Shield/Desert Storm;
- Whereas tens of thousands of additional members of the Ready Reserve have volunteered or have been called to active duty to serve at bases in the United States and other parts of the world;
- Whereas on January 16, 1991, the date Operation Desert Storm commenced, over 188,000 personnel and 375,000 short tons of equipment had been airlifted by the Air Force Reserve to Saudi Arabia;
- Whereas members of the Army Reserve promptly addressed urgent water-purification, supply distribution, and other support needs;
- Whereas members of the Navy Reserve supported air operations with C-9 aircraft and performed important medical, logistics support, intelligence and cargo handling missions;
- Whereas members of the Coast Guard Reserve provided port security and supervised and controlled the loading of explosives and other hazardous materials;
- Whereas members of the Air National Guard in conjunction with the Air Force Reserve flew 42 percent of the strategic airlift missions and 33 percent of the aerial refueling missions;
- Whereas members of the Army National Guard made important contributions by providing military police and movement control assistance;
- Whereas on January 13, 1991, a total of 146,106 Selected Reservists had been called to active duty;
- Whereas on February 28, 1991, the date combat operations in Operation Desert Storm ceased, a total of 222,614 members of the Ready Reserve had been called to active duty, including 202,337 Selected Reservists and 20,277 members of the Individual Ready Reserve; and
- Whereas members of the reserve components of the United States Armed Forces performed in an exemplary fashion during Operation Desert Shield/Desert Storm: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 22, 1991, the Wednesday of "Armed Forces Week", is designated as "National Desert Storm Reservists Day" to commemorate the accomplishments of the men and women of the reserve components of the United States Armed Forces who proudly served the United States during Operation Desert Storm, and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

Approved May 21, 1991.

LEGISLATIVE HISTORY—S.J. Res. 134:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 14, considered and passed Senate.
May 15, considered and passed House.

Public Law 102-49
102d Congress

Joint Resolution

To designate the month of May 1991, as "National Huntington's Disease Awareness Month".

May 22, 1991
[S.J. Res. 127]

Whereas 25,000 Americans are victims of Huntington's Disease, a fatal, hereditary, neurological disorder;

Whereas an additional 125,000 Americans have a 50 percent chance of inheriting the gene responsible for Huntington's Disease from an affected parent, and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's Disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's Disease invariably requires total personal care, the provision of which often results in devastating financial consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gene-site responsible for Huntington's Disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's Disease, manic depression, kidney cancer and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's Disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's Disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's Disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "National Huntington's Disease Awareness Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

Approved May 22, 1991.

LEGISLATIVE HISTORY—S.J. Res. 127:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 8, considered and passed Senate.
May 15, considered and passed House.

Public Law 102-50
102d Congress

An Act

May 24, 1991
[S. 248]

To amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Niobrara Scenic
River
Designation
Act of 1991.
Natural
resources.
16 USC 1271
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Niobrara Scenic River Designation Act of 1991".

SEC. 2. DESIGNATION OF THE RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"() NIOBRARA, NEBRASKA.—(A) The 40-mile segment from Borman Bridge southeast of Valentine downstream to its confluence with Chimney Creek and the 30-mile segment from the river's confluence with Rock Creek downstream to the State Highway 137 bridge, both segments to be classified as scenic and administered by the Secretary of the Interior. That portion of the 40-mile segment designated by this subparagraph located within the Fort Niobrara National Wildlife Refuge shall continue to be managed by the Secretary through the Director of the United States Fish and Wildlife Service.

"(B) The 25-mile segment from the western boundary of Knox County to its confluence with the Missouri River, including that segment of the Verdigre Creek from the north municipal boundary of Verdigre, Nebraska, to its confluence with the Niobrara, to be administered by the Secretary of the Interior as a recreational river.

"After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section.

"() MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA.—The 39-mile segment from the headwaters of Lewis and Clark Lake to the Ft. Randall Dam, to be administered by the Secretary of the Interior as a recreational river."

SEC. 3. STUDY OF 6-MILE SEGMENT.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following at the end:

"() NIOBRARA, NEBRASKA.—The 6-mile segment of the river from its confluence with Chimney Creek to its confluence with Rock Creek."

(b) WATER RESOURCES PROJECT.—If, within 5 years after the date of enactment of this Act, funds are not authorized and appropriated for the construction of a water resources project on the 6-mile segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek, at the expiration of such 5-

16 USC 1274
note.

year period the 6-mile segment shall be designated as a component of the National Wild and Scenic Rivers System by operation of law, to be administered by the Secretary of the Interior in accordance with sections 4 and 5 of this Act and the applicable provisions of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287). The Secretary of the Interior shall publish notification to that effect in the Federal Register.

Federal
Register,
publication.

SEC. 4. LIMITATIONS ON CERTAIN ACQUISITION.

16 USC 1274
note.

(a) **LIMITATIONS.**—In the case of the 40-mile and 30-mile segments of the Niobrara River described in the amendment to the Wild and Scenic Rivers Act made by section 2 of this Act, the Secretary of the Interior shall not, without the consent of the owner, acquire for purposes of such segment land or interests in land in more than 5 percent of the area within the boundaries of such segments, and the Secretary shall not acquire, without the consent of the owner, fee ownership of more than 2 percent of such area. The limitations on land acquisition contained in this subsection shall be in addition to, and not in lieu of, the limitations on acquisition contained in section 6 of the Wild and Scenic Rivers Act.

(b) **FINDING; EXCEPTION.**—The 5 percent limitation and the 2 percent limitation contained in subsection (a) of this section shall not apply if the Secretary of the Interior finds, after notice and opportunity for public comment, that State or local governments are not, through statute, regulation, ordinance, or otherwise, adequately protecting the values for which the segment concerned is designated as a component of the national wild and scenic rivers system.

SEC. 5. NIOBRARA SCENIC RIVER ADVISORY COMMISSION.

16 USC 1274
note.

(a) **ESTABLISHMENT.**—There is hereby established the Niobrara Scenic River Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall advise the Secretary of the Interior (hereinafter referred to as the "Secretary") on matters pertaining to the development of a management plan, and the management and operation of the 40-mile and 30-mile segments of the Niobrara River designated by section 2 of this Act which lie outside the boundary of the Fort Niobrara National Wildlife Refuge and that segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek.

(b) **MEMBERSHIP.**—The Commission shall consist of 11 members appointed by the Secretary—

(1) 3 of whom shall be owners of farm or ranch property within the upper portion of the designated river corridor between the Borman Bridge and the Meadville;

(2) 3 of whom shall be owners of farm or ranch property within the lower portion of the designated river corridor between the Meadville Bridge and the bridge on Highway 137;

(3) 1 of whom shall be a canoe outfitter who operates within the river corridors;

(4) 1 of whom shall be chosen from a list submitted by the Governor of Nebraska;

(5) 2 of whom shall be representatives of the affected county governments or natural resources districts; and

(6) 1 of whom shall be a representative of a conservation organization who shall have knowledge and experience in river conservation.

(c) **TERMS.**—Members shall be appointed to the Commission for a term of 3 years. A member may serve after the expiration of his term until his successor has taken office.

(d) **CHAIRPERSON; VACANCIES.**—The Secretary shall designate 1 of the members of the Commission, who is a permanent resident of Brown, Cherry, Keya Paha, or Rock Counties, to serve as Chairperson. Vacancies on the Commission shall be filled in the same manner in which the original appointment was made. Members of the Commission shall serve without compensation, but the Secretary is authorized to pay expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairperson.

(e) **TERMINATION.**—The Commission shall cease to exist 10 years from the date of enactment of this Act.

16 USC 1274
note.

SEC. 6. MISSOURI RIVER PROVISIONS.

(a) **ADMINISTRATION.**—The administration of the Missouri River segment designated in section 2 of this Act shall be in consultation with a recreational river advisory group to be established by the Secretary. Such group shall include in its membership representatives of the affected States and political subdivisions thereof, affected Federal agencies, organized private groups, and such individuals as the Secretary deems desirable.

(b) **BRIDGES.**—The designation of the Missouri River segment by the amendment made by section 2 of this Act shall not place any additional requirements on the placement of bridges other than those contained in section 303 of title 49, United States Code.

(c) **EROSION CONTROL.**—Within the Missouri River segment designated by the amendment made by section 2 of this Act, the Secretary shall permit the use of erosion control techniques, including the use of rocks from the area for streambank stabilization purposes, subject to such conditions as the Secretary may prescribe, in consultation with the advisory group described in subsection (a) of this section, to protect the resource values for which such river segment was designated.

16 USC 1274
note.

SEC. 7. NATIONAL RECREATION AREA STUDY.

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake and complete a study, within 18 months after the date of enactment of this section, regarding the feasibility and suitability of the designation of lands in Knox County and Boyd County, Nebraska, generally adjacent to the recreational river segments designated by the amendments made by section 2 of this Act and adjacent to the Lewis and Clark Reservoir, as a national recreation area. The Secretary may provide grants and technical assistance to the State of Nebraska, the Santee Sioux Indian Tribal Council, and the political subdivisions having jurisdiction over lands in these 2 counties to assist the Secretary in carrying out such study. The study under this section shall be prepared in consultation with the Santee Sioux Tribe, affected political subdivisions, and relevant State agencies. The study shall include as a minimum each of the following:

(1) A comprehensive evaluation of the public recreational opportunities and the flood plain management options which are available with respect to the river and creek corridors involved.

(2) An evaluation of the natural, historical, paleontological, and recreational resources and values of such corridors.

(3) Recommendations for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic protection and integrity, recreational activities, or management and administration of the corridor areas.

(4) Alternative cooperative management proposals for the administration and development of the corridor areas.

(5) An analysis of the number of visitors and types of public use within the corridor areas that can be accommodated in accordance with the full protection of its resources.

(6) An analysis of the facilities deemed necessary to accommodate and provide access for such recreational uses by visitors, including the location and estimated costs of such facilities.

(b) **SUBMISSION OF REPORT.**—The results of such study shall be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 8. STUDY OF FEASIBILITY AND SUITABILITY OF ESTABLISHING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.

16 USC 1a-5
note.

(a) **IN GENERAL.**—The Secretary of the Interior shall undertake and complete a study of the feasibility and suitability of establishing a national park in the State of Nebraska to be known as the Niobrara-Buffalo Prairie National Park within 18 months after the date of enactment of this Act.

(b) **AREA TO BE STUDIED.**—The areas studied under this section shall include the area generally depicted on the map entitled "Boundary Map, Proposed Niobrara-Buffalo Prairie National Park", numbered NBP-80,000, and dated March 1990. The study area shall not include any lands within the boundaries of the Fort Niobrara National Wildlife Refuge.

(c) **RESOURCES.**—In conducting the study under this section, the Secretary shall conduct an assessment of the natural, cultural, historic, scenic, and recreational resources of such areas studied to determine whether they are of such significance as to merit inclusion in the National Park System.

(d) **STUDY REGARDING MANAGEMENT.**—In conducting the study under this section, the Secretary shall study the feasibility of managing the area by various methods, in consultation with appropriate Federal agencies, the Nature Conservancy, and the Nebraska Game and Parks Commission.

(e) **SUBMISSION OF REPORT.**—The results of the study shall be submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

16 USC 1274
note.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved May 24, 1991.

LEGISLATIVE HISTORY—S. 248:

HOUSE REPORTS: No. 102-51, Pt. 1 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 102-19 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 17, considered and passed Senate.

May 14, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

May 24, Presidential statement.

Public Law 102-51
102d Congress

Joint Resolution

Designating the week beginning May 13, 1991, as "National Senior Nutrition Week".

May 29, 1991
[H.J. Res. 141]

Whereas in fiscal year 1991 over 145,000,000 meals will be served in congregate settings to approximately 2,700,000 Americans age 60 and over, meeting the needs of both good nutrition and fellowship; Whereas in fiscal year 1991 over 115,000,000 home-delivered meals will also be served to approximately 728,000 Americans age 60 and over;

Whereas the dedication of staff and volunteers in helping older people receive hot nutritious meals each day ensures the continued well-being and independence of so many older Americans; Whereas community-based congregate and home-delivered meal programs make possible the joint use of public and private funds and resources to serve older people; and

Whereas since 1963 the month of May has been designated as "Older Americans Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 13, 1991, is designated as "National Senior Nutrition Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

Approved May 29, 1991.

LEGISLATIVE HISTORY—H.J. Res. 141:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 2, considered and passed House.
May 17, considered and passed Senate.

Public Law 102-52
102d Congress

An Act

June 6, 1991
[H.R. 2127]

To amend the Rehabilitation Act of 1973 to extend the programs of such Act, and for other purposes.

Rehabilitation
Act
Amendments
of 1991.
Handicapped.
29 USC 701
note.

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 "Rehabilitation Act Amendments of 1991".

SEC. 2. VOCATIONAL REHABILITATION SERVICES.

(a) STATE ALLOTMENTS FOR BASIC VOCATIONAL REHABILITATION SERVICES.—

(1) **IN GENERAL.**—Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended—

(A) in subparagraph (A), in the first sentence—

(i) by striking "is authorized" and inserting "are authorized";

(ii) by striking "and" after "1990,"; and

(iii) by inserting before the period the following:
", and 1992";

(B) in subparagraph (B), in the first sentence, by striking "1991" and inserting "1992"; and

(C) in subparagraph (C)—

(i) by striking "and" after "1990,"; and

(ii) by inserting before the period the following:
", and \$1,875,512,100 for fiscal year 1992".

(2) **AUTOMATIC EXTENSION OF PROGRAM FOR 1 YEAR.**—Section 100(d)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 720(d)(1)(B)) is amended by striking "1991" each place such term appears and inserting "1992".

(b) STATE ALLOTMENTS FOR INNOVATION AND EXPANSION.—

(1) **IN GENERAL.**—Section 100(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(2)) is amended—

(A) by striking "and" after "1990,"; and

(B) by inserting "and 1992" before the period.

(2) **PAYMENTS.**—Section 121(b) of the Rehabilitation Act of 1973 (29 U.S.C. 741(b)) is amended in the first sentence by striking "1991" and inserting "1992".

(c) CLIENT ASSISTANCE PROGRAM.—Section 112(i) of the Rehabilitation Act of 1973 (29 U.S.C. 732(i)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting after "1991," the following: "and such sums as may be necessary for fiscal year 1992,".

SEC. 3. RESEARCH AND TRAINING.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended—

- (1) in paragraph (1), by striking "1991" and inserting "1992"; and
- (2) in paragraph (2)—
- (A)(i) by striking "and" after "1990," the first place such term appears; and
- (ii) by inserting after "1991" the first place such term appears the following: ", and such sums as may be necessary for fiscal year 1992"; and
- (B)(i) by striking "and" after "1990," the second place such term appears; and
- (ii) by inserting after "1991" the second place such term appears the following: ", and such sums as may be necessary for fiscal year 1992".

SEC. 4. SUPPLEMENTARY SERVICES AND FACILITIES.

(a) **CONSTRUCTION OF REHABILITATION FACILITIES.**—Section 301(a) of the Rehabilitation Act of 1973 (29 U.S.C. 771(a)) is amended in the first sentence—

- (1) by striking "and" after "1990,"; and
- (2) by inserting " and 1992" before the period.

(b) **VOCATIONAL TRAINING SERVICES.**—Section 302(a) of the Rehabilitation Act of 1973 (29 U.S.C. 772(a)) is amended—

- (1) by striking "and" after "1990,"; and
- (2) by inserting " and 1992" before the period.

(c) **TRAINING.**—Section 304(f) of the Rehabilitation Act of 1973 (29 U.S.C. 774(f)) is amended in the first sentence—

- (1) by striking "and" after "1990,";
- (2) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992"; and
- (3) by striking "the fiscal year" each place such term appears and inserting "fiscal year".

(d) **COMPREHENSIVE REHABILITATION CENTERS.**—Section 305(g) of the Rehabilitation Act of 1973 (29 U.S.C. 775(g)) is amended—

- (1) by striking "and" after "1990,"; and
- (2) by inserting " and 1992" before the period.

(e) **SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES.**—

(1) **IN GENERAL.**—Section 310(a) of the Rehabilitation Act of 1973 (29 U.S.C. 777(a)) is amended—

- (A) by striking "and" after "1990,"; and
- (B) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992".

(2) **CERTAIN SPECIAL DEMONSTRATION PROGRAMS.**—

(A) Section 311(d)(4) of the Rehabilitation Act of 1973 (29 U.S.C. 777a(d)(4)) is amended—

- (i) by striking "and" after "1990,";
- (ii) by inserting before the period the following: ", and such sums as may be necessary for fiscal year 1992"; and
- (iii) by striking "the fiscal year" each place such term appears and inserting "fiscal year".

(B) Section 311(e)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 777a(e)(5)) is amended—

- (i) by striking "and" after "1990,"; and
- (ii) by inserting after "1991" the following: ", and such sums as may be necessary for fiscal year 1992".

(3) **SPECIAL RECREATIONAL PROGRAMS.**—Section 316(b) of the Rehabilitation Act of 1973 (29 U.S.C. 777f(b)) is amended—

- (A) by striking “and” after “1990,”; and
 (B) by inserting after “1991” the following: “, and such sums as may be necessary for fiscal year 1992”.

SEC. 5. NATIONAL COUNCIL ON DISABILITY.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended—

- (1) by striking “and” after “1990,”; and
 (2) by inserting “, and 1992” before the period.

SEC. 6. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502(i) of the Rehabilitation Act of 1973 (29 U.S.C. 792(i)) is amended by striking “such sums” and all that follows and inserting the following: “such sums as may be necessary for each of the fiscal years 1987 through 1992, but in no event shall the amount appropriated for any one fiscal year exceed \$3,000,000.”.

SEC. 7. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH HANDICAPS.

(a) **COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS.**—Section 617 of the Rehabilitation Act of 1973 (29 U.S.C. 795f) is amended—

- (1) by striking “and” after “1990,”; and
 (2) by inserting “, and 1992” before the period.

(b) **PROJECTS WITH INDUSTRY AND BUSINESS OPPORTUNITIES.**—Section 623 of the Rehabilitation Act of 1973 (29 U.S.C. 795i) is amended—

(1)(A) by striking “and” after “1990,” the first place such term appears; and

(B) by inserting after “1991,” the first place such term appears the following: “and such sums as may be necessary for fiscal year 1992,”; and

(2)(A) by striking “and” after “1990,” the second place such term appears; and

(B) by inserting “, and 1992” before the period.

(c) **SUPPORTED EMPLOYMENT SERVICES.**—Section 638 of the Rehabilitation Act of 1973 (29 U.S.C. 795q) is amended—

(1) by striking “and” after “1990,”; and

(2) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”.

SEC. 8. COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING.

(a) **COMPREHENSIVE SERVICES.**—Section 741(a) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(a)) is amended—

(1) by striking “and” after “1990,”; and

(2) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”.

(b) **CENTERS FOR INDEPENDENT LIVING.**—Section 741(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(b)) is amended—

(1) by striking “and” after “1990,”; and

(2) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”.

(c) **INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS.**—Section 741(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(c)) is amended—

(1) by striking “and” after “1990,”; and

(2) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”.

(d) **GENERAL PROVISIONS.**—Section 741(d)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(d)) is amended—

- (1) by striking “and” after “1990,”; and
- (2) by inserting “, and 1992” before the period.

SEC. 9. EXTENSION OF PROGRAMS OF CERTAIN OTHER ACTS.

(a) **HELEN KELLER NATIONAL CENTER ACT.**—Section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking “1991” and inserting “1992”.

(b) **PRESIDENT’S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.**—The first section of the joint resolution approved July 11, 1949 (63 Stat. 409; chapter 302), is amended—

- (1) by striking “and” after “1990,”; and
- (2) by inserting after “1991,” the following: “and 1992,”.

SEC. 10. DIFFERENTIAL FUNDING.

Section 675 of the Individuals With Disabilities Education Act (20 U.S.C. 1475) is amended by adding at the end the following new subsection:

Inter-
governmental
relations.

“(e) **DIFFERENTIAL FUNDING FOR FOURTH OR FIFTH YEAR.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this part, a State shall be eligible for a grant under section 673 for fiscal years 1990, 1991, or 1992 if—

“(A) the State satisfies the eligibility criteria described in subsection (b)(1) pertaining to the State’s third or fourth year of participation under this part; and

“(B) the Governor, on behalf of the State, submits, by a date that the Secretary may establish for each such year, a request for extended participation, including—

“(i) information demonstrating to the Secretary’s satisfaction that the State is experiencing significant hardships in meeting the requirements of this section for the fourth or fifth year of participation; and

“(ii) a plan, including timelines, for meeting the eligibility criteria described in subsections (b)(1) and (c) for the fourth, fifth, or succeeding years of participation.

“(2) **APPROVAL OF REQUEST.**—

“(A) **FIRST YEAR.**—The Secretary shall approve a State’s request for a first year of extended participation under this subsection if the State meets the requirements of paragraph (1).

“(B) **SECOND YEAR.**—The Secretary shall approve a State’s request for a second year of extended participation under this subsection if the State—

“(i) meets the requirements of paragraph (1); and

“(ii) demonstrates to the Secretary’s satisfaction that the State has made reasonable progress in implementing the plan described in paragraph (1)(B)(ii).

“(3) **DURATION.**—The Secretary may not approve more than two requests from the same State for extended participation under this subsection.

“(4) **PAYMENT.**—

“(A) **FISCAL YEAR 1990.**—Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1990 shall

receive a payment under this part in an amount equal to such State's payment under this part for fiscal year 1989.

“(B) FISCAL YEAR 1991 OR 1992.—Except as provided in subparagraph (C) and notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment for such fiscal years in an amount equal to the payment such State would have received under this part for fiscal year 1990 if such State had met the criteria for the fourth year of participation described in subsection (b)(1).

“(C) MINIMUM.—Beginning in fiscal year 1991, the payment under this part to each of the 50 States, the District of Columbia, and Puerto Rico shall not be less than \$500,000.

“(5) REALLOTMENT.—

“(A) FISCAL YEAR 1990.—The amount by which the allotment computed under section 684 for any State for fiscal year 1990 exceeds the amount that such State may be allotted under paragraph (4)(A) of this subsection (and, notwithstanding section 684(d), any fiscal year 1990 funds allotted to any State that such State elects not to receive) shall be reallocated, notwithstanding the percentage limitations set forth in sections 684 (a) and (b), among those States satisfying the eligibility criteria of subsection (b)(1) for the fourth year of participation that have submitted an application by a date that the Secretary may establish in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year.

“(B) FISCAL YEAR 1991 OR 1992.—The amount by which a State's allotment computed under section 684 for any State for fiscal years 1991 or 1992 exceeds the amount that such State may be allotted for such fiscal year under paragraph (4)(B) of this subsection shall be reallocated, notwithstanding the percentage limitations set forth in section 684 (a) and (b)—

“(i) first, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that have submitted applications by a date that the Secretary may establish for each such year in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year, except that no such State, by operation of this clause, shall receive an increase of more than 100 percent over the amount such State would have otherwise received under section 684 for the previous fiscal year;

“(ii) second, if funds remain, among those States that have—

“(I) satisfied the eligibility criteria of subsection (b)(1) for the fourth year of participation;

“(II) qualified for extended participation under this subsection; and

“(III) not received a reallocation payment under clause (i),

in an amount which bears the same ratio to such amount as the amount of such State’s allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States’ allotment under section 684 as modified by this subsection in such fiscal year, except that no State, by operation of this clause, shall receive a reallocation payment that is larger than the payment such State would otherwise have received under section 684 for such year; and

“(iii) third, if funds remain, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that did not receive a reallocation payment under clause (ii) in an amount which bears the same ratio to such amount as the amount of such State’s allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States’ allotment under section 684 as modified by this subsection in such fiscal year.

“(6) DEFINITIONS.—For the purpose of this subsection, the term ‘State’ means—

“(A) each of the 50 States, the District of Columbia, and Puerto Rico;

“(B) each of the jurisdictions listed in section 684(a); and

“(C) the Department of the Interior.”

Approved June 6, 1991.

LEGISLATIVE HISTORY—H.R. 2127:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 20, considered and passed House.
May 21, considered and passed Senate.

Public Law 102-53
102d Congress

An Act

June 10, 1991
[H.R. 831]

To designate the Owens Finance Station of the United States Postal Service in Cleveland, Ohio, as the "Jesse Owens Building of the United States Postal Service".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 5600 Woodland Avenue, Cleveland, Ohio, known as the Owens Finance Station is designated as the "Jesse Owens Building of the United States Postal Service". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the Jesse Owens Building of the United States Postal Service.

Approved June 10, 1991.

LEGISLATIVE HISTORY—H.R. 831:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 19, considered and passed House.
May 23, considered and passed Senate.

Public Law 102-54
102d Congress

An Act

To amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes.

June 13, 1991

[H.R. 232]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NOTIFICATION REQUIREMENT.

Section 1832(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

SEC. 2. PROPERTY MANAGEMENT.

(a) **VENDEE LOANS.**—Section 1833(a) of title 38, United States Code, is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

“(2) After September 30, 1990, the percentage limitations described in paragraph (1) of this subsection shall have no effect.

“(3) The Secretary may, beginning on October 1, 1990, sell any note evidencing a loan referred to in paragraph (1)—

“(A) with recourse; or

“(B) without recourse, but only if the amount received is equal to an amount which is not less than the unpaid balance of such loan.”.

(b) **REPEAL OF TERMINATION DATE.**—Section 1833(a) of such title is amended—

(1) by striking out paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (6).

SEC. 3. EXTENSIONS OF PROVISIONS RELATING TO DEFAULT PROCEDURES AND APPRAISALS.

(a) **DEFAULT PROCEDURES.**—Section 1832(c)(11) of title 38, United States Code, is amended by striking out “October 1, 1991” and inserting in lieu thereof “December 31, 1992”.

(b) **APPRAISALS.**—Section 1831(f)(3) of such title is amended by striking out “October 1, 1990” and inserting in lieu thereof “December 31, 1992”.

(c) **REPORT RELATING TO APPRAISAL REVIEW.**—Section 1831(f) of such title is further amended by adding at the end the following new paragraphs:

“(4) Not later than April 30 of each year following a year in which the Secretary authorizes lenders to determine reasonable value of property under this subsection, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report relating to the exercise of that authority during the year in which the authority was exercised.

“(5) A report submitted pursuant to paragraph (4) of this subsection shall include, for the period covered by each report—

“(A) the number and value of loans made by lenders exercising the authority of this subsection;

“(B) the number and value of such loans reviewed by the appraisal-review monitors referred to in paragraph (2) of this subsection;

“(C) the number and value of loans made under this subsection of which the Secretary received notification of default;

“(D) the amount of guaranty paid by the Secretary to such lenders by reason of defaults on loans as to which reasonable value was determined under this subsection; and

“(E) such recommendations as the Secretary considers appropriate to improve the exercise of the authority provided for in this subsection and to protect the interests of the United States.”.

SEC. 4. ADMINISTRATION.

(a) **CERTIFICATION.**—Section 1820 of title 38, United States Code, is amended by adding at the end the following:

“(g) The Secretary shall, at the request of the Secretary of Housing and Urban Development and without reimbursement, certify to such Secretary whether an applicant for assistance under any law administered by the Department of Housing and Urban Development is a veteran.”.

(b) **APPLICATION REQUIREMENTS.**—Section 1803 of such title is amended by adding at the end the following:

“(f) The application for or obtaining of a loan made, insured, or guaranteed under this chapter shall not be subject to reporting requirements applicable to requests for, or receipts of, Federal contracts, grants, loans, loan guarantees, loan insurance, or cooperative agreements except to the extent that such requirements are provided for in, or by the Secretary pursuant to, this title.”.

SEC. 5. WAIVER OF INDEBTEDNESS.

38 USC 5302.

Section 3102 of title 38, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new sentence: “The Secretary shall include in the notification to the payee a statement of the right of the payee to submit an application for a waiver under this subsection and a description of the procedures for submitting the application.”; and

(2) in subsection (b)—

(A) by striking out “101 and 1801” and inserting in lieu thereof, “101, 1801, and 1802(a)(2)(C)(ii) of this title”; and

(B) by adding at the end the following: “An application for relief under this subsection must be made within one year after the date on which the veteran receives notice by certified mail from the Secretary of the indebtedness. The Secretary shall include in the notification a statement of the right of the veteran to submit an application for a waiver under this subsection and a description of the procedures for submitting the application.”.

SEC. 6. ENTITLEMENT AMOUNT.

Section 1803(a)(1)(A)(i) of title 38, United States Code, is amended—

(1) in subclause (III)—

(A) by inserting “except as provided in subclause (IV) of this clause,” after “(III)”;

(B) by striking out “but not more than \$144,000.”; and

(2) in subclause (IV), by striking out "or (6)" and inserting in lieu thereof "(6), or (8)".

SEC. 7. DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING. 38 USC 618 note.

(a) **DEMONSTRATION PROGRAM.**—During fiscal years 1992 through 1994, the Secretary of Veterans Affairs may carry out a compensated work therapy and therapeutic transitional housing demonstration program. The demonstration program shall have two components, as follows:

(1) A component, under subsection (c), which provides for direct operation of therapeutic transitional housing in conjunction with the furnishing of compensated work therapy.

(2) A component, under subsection (d), which provides for the contracting with nonprofit corporations to furnish compensated work therapy in conjunction with the operation of the therapeutic transitional housing.

(b) **ELIGIBLE VETERANS.**—The veterans for whom therapeutic transitional housing may be provided under this section are veterans—

(1) who are furnishing services to the Department of Veterans Affairs under subsection (a) of section 618 of title 38, United States Code; or

(2) who are furnished therapeutic work pursuant to subsection (b) of that section.

(c) **AUTHORITY TO OPERATE RESIDENCES AS THERAPEUTIC TRANSITIONAL HOUSING.**—Under the demonstration program, the Secretary, in connection with the conduct of compensated work therapy programs, may operate residences as therapeutic transitional housing solely for veterans described in subsection (b) of this section. The Secretary may operate no more than 50 residences as therapeutic transitional housing under this subsection.

(d) **CONTRACT AUTHORITY.**—(1) Under the demonstration program, the Secretary may contract with nonprofit corporations to conduct compensated work therapy programs under the demonstration program.

(2) The Secretary may enter into a contract with a nonprofit corporation under the demonstration program only if the corporation provides assurances satisfactory to the Secretary that it will operate therapeutic transitional housing for eligible veterans in conjunction with an existing compensated work therapy program at a medical center. The contract may remain in effect only as long as the corporation operates the therapeutic transitional housing for eligible veterans in connection with the demonstration program.

(3) A contract with a nonprofit corporation under this subsection may provide for the Secretary to furnish the corporation (with or without consideration) in-kind services, including—

(A) technical and clinical advice;

(B) supervision of the activities of compensated work therapy participants in the rehabilitation of any property for use as therapeutic transitional housing under the contract and for possible later sale as a private residence; and

(C) minor maintenance of and minor repairs to such property.

(e) **PROCUREMENT PROCEDURES.**—The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of

transitional housing and to protect the interests of the United States.

(f) **CONDITIONS.**—A residence may be operated as transitional housing for veterans described in subsection (b) under the following conditions:

(1) Only veterans described in such subsection and a house manager may reside in the residence.

(2) Each resident, other than the house manager, shall pay rent for the period of residence in such housing.

(3) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

(4) The residence shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

(g) **HOUSE MANAGERS.**—The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for house managers in addition to, or instead of payment of, a fee for such services.

(h) **SOURCES OF HOUSING.**—(1) The Secretary may operate as transitional housing under this section—

(A) any suitable residential property acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of title 38, United States Code; and

(B) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Services and Research Administration; and

(B) transfer from the General Post Fund of the Department of Veterans Affairs to the Loan Guaranty Revolving Fund under chapter 37 of title 38, United States Code, an amount, not to exceed the amount the Secretary paid for the property, representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

(i) **RENT AND LENGTH OF RESIDENCE.**—The Secretary shall prescribe—

(1) a procedure for establishing reasonable rental rates for persons residing in transitional housing; and

(2) appropriate limits on the period for which such persons may reside in transitional housing.

(j) **DISPOSAL OF PROPERTY.**—The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund of the Department of Veterans Affairs.

(k) **AVAILABILITY OF GENERAL POST FUND.**—Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such program. The operation of the demonstration program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President's budget for each fiscal year.

(l) **REPORT.**—After a demonstration program under this section has been in effect for two years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of the program. The Secretary shall include in the report such recommendations with regard to the program as the Secretary considers appropriate.

SEC. 8. LOANS TO ORGANIZATIONS PROVIDING TRANSITIONAL HOUSING FOR SUBSTANCE ABUSERS.

38 USC 620A
note.

(a) **LOAN PROGRAM.**—The Secretary of Veterans Affairs may make loans in accordance with this section to assist in the provision of transitional housing exclusively to veterans who are in (or who recently have been in) a program for the treatment of substance abuse.

(b) **LOAN RECIPIENTS.**—A loan under this section may only be made to a nonprofit organization under selection criteria promulgated by the Secretary and only to assist that organization in leasing housing units for use as a group residence for the purposes described in subsection (a). The amount of such a loan that is used with respect to any single residential unit may not exceed \$4,500. In making loans under this subsection, the Secretary shall, except to the extent that the Secretary determines that it is infeasible to do so, ensure that—

(1) each loan is repaid within two years after the date on which the loan is made;

(2) each loan is repaid through monthly installments and that a reasonable penalty is assessed for each failure to pay an installment by the date specified in the loan agreement involved; and

(3) each loan is made only to a nonprofit private entity which agrees that, in the operation of each residence established with the assistance of the loan—

(A) the use of alcohol or any illegal drug in the residence will be prohibited;

(B) any resident who violates the prohibition in subclause (A) of this clause will be expelled from the residence;

(C) the costs of maintaining the residence, including fees for rent and utilities, will be paid by the residents;

(D) the residents will, through a majority vote of the residents, otherwise establish policies governing the condi-

tions of residence, including the manner in which applications for residence are approved; and

(E) the residence will be operated solely as a residence for not less than six veterans.

(c) **FUNDING.**—Loans under this section shall be made from the special account of the General Post Fund of the Department of Veterans Affairs established for purposes of this section. The amount of such loans outstanding at any time may not exceed \$100,000. Amounts received as payment of principal and interest on such loans shall be deposited in that account. The operation of the loan program under this section shall be separately accounted for, and shall be separately stated in the documents accompanying the President's budget for each fiscal year.

(d) **TERMS AND CONDITIONS.**—Loans under this section shall be made on such terms and conditions, including interest, as the Secretary prescribes.

(e) **REPORT.**—After the end of the 15-month period beginning on the date the first loan is extended under this section, the Secretary shall issue a report on the Department's experience under the section. The report shall include the following information:

- (1) The default rate on loans extended under this section.
- (2) The manner in which loan payments are collected.
- (3) The number of facilities at which loans have been extended.
- (4) The adequacy of the amount of funds in the special account referred to in subsection (c).

SEC. 9. HOUSING PROGRAMS FOR HOMELESS VETERANS.

(a) **IN GENERAL.**—Subchapter III of chapter 37 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1835. Housing assistance for homeless veterans

“(a)(1) To assist homeless veterans and their families in acquiring shelter, the Secretary may enter into agreements described in paragraph (2) with—

“(A) nonprofit organizations, with preference being given to any organization named in, or approved by the Secretary under, section 3402 of this title; or

“(B) any State or any political subdivision thereof.

“(2) To carry out paragraph (1), the Secretary may enter into agreements to sell real property, and improvements thereon, acquired by the Secretary as the result of a default on a loan made, insured, or guaranteed under this chapter. Such sale shall be for such consideration as the Secretary determines is in the best interests of homeless veterans and the Federal Government.

“(3) The Secretary may enter into an agreement under paragraph (1) of this subsection only if—

“(A) the Secretary determines that such an action will not adversely affect the ability of the Department—

“(i) to fulfill its statutory missions with respect to the Department loan guaranty program and the short- and long-term solvency of the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund under this chapter; or

“(ii) to carry out other functions and administer other programs authorized by law;

“(B) the entity to which the property is sold agrees to—

“(i) utilize the property solely as a shelter primarily for homeless veterans and their families,

“(ii) comply with all zoning laws relating to the property,

“(iii) make no use of the property that is not compatible with the area where the property is located, and

“(iv) take such other actions as the Secretary determines are necessary or appropriate in the best interests of homeless veterans and the Federal Government; and

“(C) the Secretary determines that there is no significant likelihood of the property being sold for a price sufficient to reduce the liability of the Department or the veteran who defaulted on the loan.

“(4) Any agreement, deed, or other instrument executed by the Secretary under this subsection shall be on such terms and conditions as the Secretary determines to be appropriate and necessary to carry out the purpose of such agreement.

“(b) The Secretary may not enter into agreements under subsection (a) after September 30, 1993.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter III the following new item:

“1835. Housing assistance for homeless veterans.”

SEC. 10. AUTHORIZED SOURCES FOR PROVISION OF THERAPEUTIC WORK IN COMPENSATED WORK THERAPY PROGRAM.

(a) AUTHORIZED SOURCES.—Subsection (b)(1) of section 618 of title 38, United States Code, is amended by striking out “contractual arrangements with private industry or other sources outside the Veterans’ Administration” and inserting in lieu thereof “a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)”.

(b) CONFORMING AMENDMENT.—Subsection (c)(1) of such section is amended by striking out “carrying out the provisions of” and inserting in lieu thereof “furnishing rehabilitative services authorized in”.

SEC. 11. FLORIDA NATIONAL CEMETERY.

Notwithstanding section 1004(c)(2) of title 38, United States Code, the Secretary may provide for flat grave markers in that section of the Florida National Cemetery in which preplaced grave liners were installed before July 30, 1988.

38 USC 1004
note.

SEC. 12. AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS TO CARRY OUT SPECIFIED ADMINISTRATIVE REORGANIZATION.

(a) AUTHORITY FOR ADMINISTRATIVE REORGANIZATION.—The Secretary of Veterans Affairs may carry out the administrative reorganization described in subsection (b) without regard to section 210(b)(2) of title 38, United States Code.

(b) SPECIFIED REORGANIZATION.—Subsection (a) applies to the organizational realignment of management responsibility for the Department of Veterans Affairs Data Processing Centers, together with the corresponding organizational realignment of associated Information Resources Management operational components and functions within the Department of Veterans Affairs central office, as such realignment was described in the detailed plan and justification submitted by the Secretary of Veterans Affairs in January 4,

38 USC 210 note.

1991, letters to the Chairmen of the Committees on Veterans' Affairs of the Senate and the House of Representatives.

SEC. 13. AMENDMENTS TO LAWS TO REFLECT THE CONVERSION OF THE VETERANS' ADMINISTRATION TO THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **LAWS CODIFIED IN TITLE 2, U.S.C.**—Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905) is amended by striking out the last two items in subsection (g)(2) and inserting in lieu thereof the following:

“Department of Veterans Affairs, Loan guaranty revolving fund (36-4025-0-3-704); and

“Department of Veterans Affairs, Servicemen's group life insurance fund (36-4009-0-3-701).”

(b) **TITLE 5, U.S.C.**—

(1) The following sections of title 5, United States Code, are amended by striking out “Veterans' Administration” and inserting in lieu thereof “Department of Veterans Affairs”: sections 2108(2), 5102(c)(14), 5342(a)(2)(C), 7103(a)(3), 8101(20), 8116(a)(3), 8311(2)(A), and 8311(3)(A).

(2) The following sections of such title are amended by striking out “Department of Medicine and Surgery, Veterans' Administration” and inserting in lieu thereof “Veterans Health Administration of the Department of Veterans Affairs”: sections 4301(2)(C), 5102(c)(3), and 6301(2)(B)(v).

(3) Section 5355 of such title is amended by striking out “Administrator of Veterans' Affairs” and inserting in lieu thereof “Secretary of Veterans Affairs”.

(4) Section 8339(g) of such title is amended by striking out “Veterans' Administration pension or compensation” in the second and third sentences and inserting in lieu thereof “pension or compensation from the Department of Veterans Affairs”.

(5) Section 8347(m)(2) of such title is amended by striking out “Administrator” and inserting in lieu thereof “Secretary”.

(6) Section 503 of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note), is amended by striking out “Veterans' Administration” in subsection (a)(2)(I) and inserting in lieu thereof “Department of Veterans Affairs”.

(c) **LAWS CODIFIED IN TITLE 7, U.S.C.**—Section 202 of the Agricultural Act of 1949 (7 U.S.C. 1446a) is amended by striking out “Administrator of Veterans' Affairs” in the matter preceding subsection (a), in subsection (a), and in subsection (c) and inserting in lieu thereof “Secretary of Veterans Affairs”.

(d) **LAWS CODIFIED IN TITLE 12, U.S.C.**—

(1) Section 912 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1709-2) is amended by striking out “Veterans' Administration” both places it appears in paragraph (1) and inserting in lieu thereof “Department of Veterans Affairs”.

(2) The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(A) by striking out “Veterans' Administration” in subsection (c)(2)(D) of section 302 (12 U.S.C. 1717) and inserting in lieu thereof “Department of Veterans Affairs”; and

(B) by striking out “Administrator of Veterans' Affairs” in section 512 (12 U.S.C. 1731a) and inserting in lieu thereof “Secretary of Veterans Affairs”.

(3) Section 107 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1735g) is amended—

(A) by striking out “Administrator of Veterans’ Affairs” in subsection (a)(2)(B) and inserting in lieu thereof “Secretary of Veterans Affairs”; and

(B) by striking out “Administrator of Veterans’ Affairs” both places it appears in subsection (e) and inserting in lieu thereof “Secretary of Veterans Affairs”.

(4) Section 8 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2607) is amended by striking out “Administrator of Veterans’ Affairs” in subsection (c)(5) and inserting in lieu thereof “Secretary of Veterans Affairs”.

(e) LAWS CODIFIED IN TITLE 15, U.S.C.—Section 718 of the Business Opportunity Development Reform Act of 1988 (Public Law 100-656; 15 U.S.C. 644 note) is amended by striking out “Veterans Administration” in subsection (b)(10) and inserting in lieu thereof “Department of Veterans Affairs”.

(f) TITLE 18, U.S.C.—

(1) Section 289 of title 18, United States Code, is amended by striking out “Administrator of Veterans’ Affairs” and inserting in lieu thereof “Secretary of Veterans Affairs”.

(2) Section 1114 of such title is amended by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”.

(g) LAWS CODIFIED IN TITLE 20, U.S.C.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:

(1) The following provisions are amended by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”:

(A) Subsection (a)(1)(E) of section 131 (20 U.S.C. 1017).

(B) Subsection (d)(1)(C) of section 411B (20 U.S.C. 1070a-2).

(C) Subsection (c)(1)(C) of section 411C (20 U.S.C. 1070a-3).

(D) Subsection (c)(1)(C) of section 411D (20 U.S.C. 1070a-4).

(2) Section 420A (20 U.S.C. 1070e-1) is amended—

(A) in subsection (b)(2)(B), by striking out “Administrator of Veterans’ Affairs” and inserting in lieu thereof “Secretary of Veterans Affairs”;

(B) in subsection (c)(2)—

(i) by striking out “Administrator of Veterans’ Affairs (hereinafter referred to as the ‘Administrator’)” and inserting in lieu thereof “Secretary of Veterans Affairs”; and

(ii) by striking out “Administrator” each of the three succeeding places in which it appears and inserting in lieu thereof “Secretary of Veterans Affairs”; and

(C) in subsection (d), by striking out “Veterans’ Administration” and “the Administrator” and inserting in lieu thereof “Secretary of Veterans Affairs” in both instances.

(h) REFERENCES IN TITLE 22, U.S.C.—

(1) LAWS CODIFIED IN TITLE 22.—Section 106 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456) is amended by striking out “Veterans’ Administration” in subsection (a)(1) and inserting in lieu thereof “Department of Veterans Affairs”.

(2) REFERENCE PURSUANT TO LAW CODIFIED IN TITLE 22.—Any reference to the Veterans’ Administration in any regulation prescribed or Executive order issued pursuant to section 827(a)

22 USC 4067
note.

of the Foreign Service Act of 1980 (22 U.S.C. 4067(a)) shall be deemed to be a reference to the Department of Veterans Affairs.

(i) LAWS CODIFIED IN TITLE 24, U.S.C.—

(1) The Naval Appropriation Act, 1946 (59 Stat. 201 et seq.), is amended in the first proviso in the fourth paragraph under the heading "BUREAU OF SUPPLIES AND ACCOUNTS" (24 U.S.C. 16a; 59 Stat. 208) by striking out "United States Veterans Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 2 of the Act of March 22, 1906 (24 U.S.C. 152), is amended—

(A) by striking out "Board of Managers of the National Home for Disabled Volunteer Soldiers" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "as they may deem necessary" and inserting in lieu thereof "as the Secretary may consider necessary".

(j) LAWS CODIFIED IN TITLE 25, U.S.C.—

(1) The Act of February 25, 1933 (25 U.S.C. 14), is amended—

(A) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs"; and

(B) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) Section 716 of the Indian Health Care Improvement Act (25 U.S.C. 1680f) is amended—

(A) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs" in each of the following subsections: subsections (a), (b)(3), (b)(4), (b)(6), (c)(1)(A), and (c)(1)(B);

(B) in subsection (c)(1), by striking out "Within 30 days" and all that follows through "directed to" and inserting in lieu thereof "Not later than December 23, 1988, the Director of the Indian Health Service and the Secretary of Veterans Affairs shall"; and

(C) in subsection (c)(2), by striking out "Not later than" and all that follows through "shall" and inserting in lieu thereof "Not later than November 23, 1990, the Secretary and the Secretary of Veterans Affairs shall".

(k) LAWS CODIFIED IN TITLE 29, U.S.C.—

(1) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended—

(A) by striking out "Veterans' Administration" in the following provisions and inserting in lieu thereof "Department of Veterans Affairs": subsection (a)(11) of section 101 (29 U.S.C. 721), subsection (i)(2) of section 202 (29 U.S.C. 761a), and subsection (a)(1)(B)(ix) of section 502 (29 U.S.C. 792); and

(B) by striking out "Administrator of Veterans' Affairs" in the following provisions and inserting in lieu thereof "Secretary of Veterans Affairs": subsection (a)(1) of section 203 (29 U.S.C. 761b) and subsection (a) of section 501 (29 U.S.C. 791).

(2) The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended—

(A) by striking out "Veterans' Administration" in paragraph (27)(B) of section 4 (29 U.S.C. 1503) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration programs" in subsection (c)(10) of section 121 (29 U.S.C. 1531) and inserting in lieu thereof "programs of the Department of Veterans Affairs"; and

(C) by striking out "Administrator of Veterans' Affairs" in subsection (b)(2)(B) of section 441 (29 U.S.C. 1721) and inserting in lieu thereof "Secretary of Veterans Affairs".

(1) TITLE 31, U.S.C.—Title 31, United States Code, is amended as follows:

(1) Paragraphs (45), (74), (82), and (83) of section 1321(a) are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 3329(c)(1) is amended—

(A) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "laws carried out by the Administrator" and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(3) Section 3330 is amended—

(A) by striking out "Administrator of Veterans' Affairs" in subsection (a)(1)(B) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" in subsections (a)(2), (a)(3), and (d)(1)(A) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(C) by striking out "laws carried out by the Administrator" in subsections (b) and (c) and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(4)(A) The heading of section 3330 is amended to read as follows:

"§ 3330. Payment of Department of Veterans Affairs checks for the benefit of individuals in foreign countries".

(B) The item relating to section 3330 in the table of sections at the beginning of chapter 33 is amended to read as follows:

"3330. Payment of Department of Veterans Affairs checks for the benefit of individuals in foreign countries."

(m) LAWS CODIFIED IN TITLE 33, U.S.C.—

(1) Section 9 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853h) is amended by striking out "Veterans' Administration" in subsection (e)(2) and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) The second sentence of the second paragraph of section 16 of the Act of May 22, 1917 (33 U.S.C. 857) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".

(3) Section 3 of Public Law 91-621 (33 U.S.C. 857-3) is amended by striking out "Veterans' Administration" in subsection (a)(1) and inserting in lieu thereof "Secretary of Veterans Affairs".

(n) LAWS CODIFIED IN TITLE 36, U.S.C.—

(1) The Act of July 23, 1947 (36 U.S.C. 67 et seq.) is amended by striking out “Veterans’ Administration” in section 3(2) (36 U.S.C. 67b(2)) and in section 9 (36 U.S.C. 67h) and inserting in lieu thereof “Department of Veterans Affairs”.

(2) Section 3 of the Act of June 17, 1932 (36 U.S.C. 90c) is amended by striking out “United States Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”.

(3) Section 3 of Public Law 85-761 (36 U.S.C. 823) is amended by striking out “Veterans’ Administration” in subsection (b)(5) and inserting in lieu thereof “Department of Veterans Affairs”.

(4) Section 15 of Public Law 85-769 (36 U.S.C. 865) is amended by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”.

(5) Section 9 of Public Law 92-93 (36 U.S.C. 1159) is amended by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”.

(6) Section 3(d) of Public Law 98-314 (36 U.S.C. 2403(d)) is amended by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”.

(7) Section 3 of Public Law 98-584 (36 U.S.C. 3103) is amended by striking out “Veterans’ Administration Hospitals” in paragraph (3) and inserting in lieu thereof “medical facilities of the Department of Veterans Affairs”.

(8) Section 3 of Public Law 99-172 (36 U.S.C. 3703) is amended by striking out “Veterans’ Administration” in paragraph (5) and inserting in lieu thereof “Department of Veterans Affairs”.

(o) LAWS CODIFIED IN TITLE 40, U.S.C.—Section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) is amended by striking out “Veterans’ Administration installations” in paragraph (1)(H) and inserting in lieu thereof “installations of the Department of Veterans Affairs”.

(p) LAWS CODIFIED IN TITLE 41, U.S.C.—The first section of the Act of June 25, 1938 (41 U.S.C. 46), commonly referred to as the “Wagner-O’Day Act”, is amended by striking out “Veterans’ Administration” in subsection (a)(1) and inserting in lieu thereof “Department of Veterans Affairs”.

(q) LAWS CODIFIED IN TITLE 42, U.S.C.—

(1) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(A) The following provisions are amended by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”:

(i) Subsection (k)(4)(C) of section 306 (42 U.S.C. 242k).

(ii) Subsection (e)(1) of section 544 (42 U.S.C. 290dd-3).

(iii) Subsection (e)(1) of section 548 (42 U.S.C. 290ee-3).

(B) The following provisions are amended by striking out “Administrator of Veterans’ Affairs” and inserting in lieu thereof “Secretary of Veterans Affairs”:

(i) Subsection (c) of section 341 (42 U.S.C. 257).

(ii) Subsection (g) of section 548 (42 U.S.C. 290ee-3).

(C) Section 212 (42 U.S.C. 213) is amended by striking out “Veterans’ Administration” in subsection (d) and inserting in lieu thereof “Secretary of Veterans Affairs”.

(D) Subsection (a)(2)(B) of section 314 (42 U.S.C. 246) is amended—

(i) by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”;

(ii) by striking out “Administrator of Veterans’ Affairs” and inserting in lieu thereof “Secretary of Veterans Affairs”; and

(iii) by striking out “such Administration” and inserting in lieu thereof “such Department”.

(E) Section 485 (42 U.S.C. 287c-2) is amended by striking out “Chief Nursing Officer of the Veterans’ Administration” in subsection (b)(2)(A) and inserting in lieu thereof “chief nursing officer of the Department of Veterans Affairs”.

(2) SAFE DRINKING WATER ACT AMENDMENTS OF 1986.—Section 109(c) of the Safe Drinking Water Act Amendments of 1986 (42 U.S.C. 300g-6 note) is amended by striking out “the Administrator of the Veterans’ Administration” and inserting in lieu thereof “the Secretary of Veterans Affairs”.

(3) SOCIAL SECURITY ACT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended as follows:

(A) The following provisions are amended by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”:

(i) Subsections (a)(1)(B) and (e)(1)(B) of section 217 (42 U.S.C. 417).

(ii) Subsection (b)(5)(A) of section 1128 (42 U.S.C. 1320a-7).

(iii) Subsection (h)(1) of section 1814 (42 U.S.C. 1395f).

(iv) The heading of subsection (h) of section 1814.

(v) Subsection (a)(5)(F) of section 1928 (42 U.S.C. 1396s).

(B) The following provisions are amended by striking out “Veterans’ Administration” each place it appears and inserting in lieu thereof “Secretary of Veterans Affairs”:

(i) Subsection (h)(2) of section 228 (42 U.S.C. 428).

(ii) Subsection (f)(2) of section 462 (42 U.S.C. 662).

(iii) Subsection (a)(1) of section 1133 (42 U.S.C. 1320b-3).

(iv) Subsection (h)(2) of section 1814 (42 U.S.C. 1395f).

(C) Subparagraph (D) of section 202(t)(4) (42 U.S.C. 402(t)(4)) is amended—

(i) by striking out “Administrator of Veterans’ Affairs” and inserting in lieu thereof “Secretary of Veterans Affairs”; and

(ii) by striking out “if the Administrator” both places it appears and inserting in lieu thereof “Secretary of Veterans Affairs”.

(D) Subsection (b)(1) of section 217 (42 U.S.C. 417) is amended by striking out “Veterans’ Administration to be payable by it” and inserting in lieu thereof “Secretary of Veterans Affairs to be payable by him”.

(E) Subsection (b)(2) of section 217 (42 U.S.C. 417) is amended—

(i) in the first sentence—

- (I) by striking out "Veterans' Administration" the first place it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and
- (II) by striking out "the Veterans' Administration" the second place it appears and inserting in lieu thereof "that Secretary";
- (ii) in the second sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs";
- (iii) in the third sentence—
- (I) by striking out "If the Veterans' Administration" and inserting in lieu thereof "If the Secretary of Veterans Affairs"; and
- (II) by striking out "it shall" and inserting in lieu thereof "the Secretary of Veterans Affairs shall";
- (iv) in the fourth sentence—
- (I) by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs"; and
- (II) by striking out "such Administration" and inserting in lieu thereof "that Secretary"; and
- (v) in the fifth sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".
- (F) Subsection (a)(1)(L) of section 1866 (42 U.S.C. 1395cc) is amended by striking out "Administrator of Veterans Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".
- (4) **OMNIBUS RECONCILIATION ACT OF 1980.**—Section 966 of the Omnibus Reconciliation Act of 1980 (42 U.S.C. 632a) is amended—
- (A) in subsection (c)(6)—
- (i) by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Department of Veterans Affairs"; and
- (ii) by striking out "Administrator of Veterans Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and
- (B) in subsection (e)(1), by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs".
- (5) **HOUSING ACT OF 1949.**—Section 535 of the Housing Act of 1949 (42 U.S.C. 1490o) is amended—
- (A) in subsections (a) and (b), by striking out "Administrator of Veterans Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and
- (B) in subsection (c), by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".
- (6) **LANHAM PUBLIC WAR HOUSING ACT.**—The Act of October 14, 1940 (42 U.S.C. 1501 et seq.), popularly known as the "Lanham Public War Housing Act", is amended as follows:
- (A) Section 601 (42 U.S.C. 1581) is amended by striking out "Veterans' Administration" each place it appears in subsection (d)(1) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 607 (42 U.S.C. 1587) is amended by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(7) DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951.—The Defense Housing and Community Facilities and Services Act of 1951 is amended as follows:

(A) Section 302 (42 U.S.C. 1592a) is amended by striking out "Veterans' Administration" in subsections (a) and (c) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 315(h) (42 U.S.C. 1592n(h)) is amended by striking out "Veterans' Administration" in the last sentence and inserting in lieu thereof "Secretary of Veterans Affairs".

(8) PUBLIC LAW 87-693.—The first section of Public Law 87-693 (42 U.S.C. 2651) is amended by striking out "Veterans' Administration" in subsection (c) and inserting in lieu thereof "Department of Veterans Affairs".

(9) OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended as follows:

(A) Section 207 (42 U.S.C. 3018) is amended by striking out "Administrator of the Veterans' Administration" in subsection (b)(3)(D) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 301 (42 U.S.C. 3021) is amended by striking out "Veterans' Administration" in subsection (b)(2) and inserting in lieu thereof "Department of Veterans Affairs".

(C) Section 402 (42 U.S.C. 3030bb) is amended by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Department of Veterans Affairs".

(10) HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS OF 1978.—Section 905 of the Housing and Community Development Amendments of 1978 (42 U.S.C. 3541) is amended by striking out "Administrator of Veterans' Affairs" each place it appears in subsection (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(11) NATIONAL SCIENCE AND TECHNOLOGY POLICY, ORGANIZATION, AND PRIORITIES ACT OF 1976.—Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Department of Veterans Affairs".

(12) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 253 of the National Energy Conservation Policy Act (42 U.S.C. 8232) is amended by striking out "Administrator of Veterans' Affairs" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs".

(13) CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT OF 1981.—The Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10001 et seq.) is amended as follows:

(A) Section 979 (42 U.S.C. 10004) is amended by striking out "Administrator of Veterans' Affairs" in subsections (a) and (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(B) Section 982 (42 U.S.C. 10007) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(C) Section 983(b) (42 U.S.C. 10008(b))—

(i) by striking out “(1) The Administrator of Veterans’ Affairs” and all that follows through “subtitle 38” and inserting in lieu thereof “The Secretary of Veterans Affairs, through the Chief Medical Director of the Department of Veterans Affairs, shall, to the maximum extent feasible consistent with the responsibilities of such Secretary and Chief Medical Director under title 38”;

(ii) by striking out “over which the Administrator” and inserting in lieu thereof “over which that Secretary”;

(iii) by striking out “Administrator” both places it appears in the second sentence and inserting in lieu thereof “Secretary of Veterans Affairs”; and

(iv) by striking out paragraphs (2) and (3).

(14) ALZHEIMERS’S DISEASE AND RELATED DEMENTIAS SERVICES RESEARCH ACT OF 1986.—The Alzheimers’s Disease and Related Dementias Services Research Act of 1986 (42 U.S.C. 11201 et seq.) is amended as follows:

(A) Section 911 (42 U.S.C. 11211) is amended by striking out “Administrator of Veterans’ Affairs (or the designee of such Administrator)” in subsection (a)(11) and inserting in lieu thereof “Secretary of Veterans Affairs (or the designee of such Secretary)”.

(B) Section 934 (42 U.S.C. 11261) is amended by striking out “Veterans’ Administration” in subsection (b)(1)(A) and inserting in lieu thereof “Department of Veterans Affairs”.

(r) TITLE 44, U.S.C.—The text of section 503 of title 44, United States Code, is amended to read as follows:

“(a) Notwithstanding section 501 of this title, the Secretary of Veterans Affairs may use the equipment described in subsection (b) for printing and binding that the Secretary finds advisable for the use of the Department of Veterans Affairs.

“(b) The equipment referred to in subsection (a) is the printing and binding equipment that the various hospitals and homes of the Department of Veterans Affairs use for occupational therapy.”

(s) TITLE 49, U.S.C.—Section 10723 of title 49, United States Code, is amended by striking out “Veterans’ Administration facility” in subsection (a)(1)(B)(i) and inserting in lieu thereof “facility of the Department of Veterans Affairs”.

(t) LAWS CODIFIED IN TITLE 50, U.S.C. APPENDIX.—Section 11 of the Military Selective Service Act (50 U.S.C. App. 461) is amended by striking out “Administrator of Veterans’ Affairs” and inserting in lieu thereof “Secretary of Veterans Affairs”.

SEC. 14. TECHNICAL AMENDMENTS TO TITLE 38, UNITED STATES CODE.

(a) CHAPTERS 1 AND 3 OF TITLE 38.—Part I of title 38, United States Code, is amended as follows:

(1) Section 101(21)(C) is amended by redesignating subclauses (a), (b), and (c) of clause (ii) as subclauses (I), (II), and (III), respectively.

(2) Section 102 is amended by striking out “(C)” before “For the purposes of” and inserting in lieu thereof “(c)”.

(b) CHAPTERS 11 THROUGH 24 OF TITLE 38.—Part II of such title is amended as follows:

(1) Section 354 is amended—

- (A) by inserting a comma in the section heading after “place”; and
- (B) by inserting “(Public Law 98-542; 98 Stat. 2727)” in subsection (a) before the period at the end.
- (2) Section 402(d) is amended by striking out “Secretary of the Department” and inserting in lieu thereof “Secretary of the department”.
- (3) Section 412(a) is amended by striking out “201” and inserting in lieu thereof “401”.
- (4) Section 423 is amended—
- (A) by striking out “or section 321(b) of title 32,” in the first sentence; and
- (B) by striking out “1476(a) or 321(b)” in the second sentence.
- (5) Section 503(a) is amended—
- (A) in paragraph (8), by striking out “per centum” and inserting in lieu thereof “percent”; and
- (B) in paragraph (10)(A)—
- (i) by striking out “Internal Revenue Code of 1954 (26 U.S.C. 6012(a))” and inserting in lieu thereof “Internal Revenue Code of 1986”; and
- (ii) by striking out “section 143” and inserting in lieu thereof “section 7703”.
- (6) Section 508(b) is amended by striking out “per centum” and inserting in lieu thereof “percent”.
- (7) Sections 532(a) and 534(a) are amended—
- (A) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and
- (B) by striking out the matter following paragraph (2).
- (8) Section 601 is amended—
- (A) in paragraph (2), by striking out “any veteran of the Indian Wars, or”;
- (B) by striking out paragraph (3);
- (C) by redesignating paragraph (4) as paragraph (3);
- (D) in paragraph (6)—
- (i) by striking out “section 612(f)(1)(A)(i)” in subparagraph (A)(i) and inserting in lieu thereof “section 612(a)(5)(A)”; and
- (ii) by striking out “section 612(f)(1)(A)(ii)” in subparagraph (B)(i)(II) and inserting in lieu thereof “section 612(a)(5)(B)”; and
- (E) by transferring paragraph (9) within such section so as to appear before paragraph (5) and redesignating such paragraph as paragraph (4).
- (9) Section 603 is amended—
- (A) by striking out “section” before “paragraph” in subsection (a)(2)(B);
- (B) by striking out “section 612(b)(1)(G)” in subsection (a)(7) and inserting in lieu thereof “section 612(b)(1)(F)”; and
- (C) by inserting “(Public Law 100-322; 102 Stat. 501)” in subsection (c) before the period at the end.
- (10) Section 610(a)(1)(H) is amended by striking out “the Spanish-American War, the Mexican border period,” and inserting in lieu thereof “the Mexican border period”.
- (11) Section 612A(b)(1) is amended by striking out “paragraph (1)(A)(ii) of section 612(f)” and inserting in lieu thereof “section 612(a)(5)(B)”.

(12) Section 618(c)(3) is amended by inserting "and" after "productivity".

(13) Section 620A(f)(1) is amended by striking out "during the period" before "beginning on".

(14) Section 628(a)(2)(D) is amended by striking out "is (i)" and inserting in lieu thereof "(i) is".

(15) Section 630(a) is amended—

(A) by striking out "(1)" after "(a)"; and

(B) by redesignating subparagraph (A), clause (i), clause (ii), and subparagraph (B) as paragraph (1), subparagraph (A), subparagraph (B), and paragraph (2), respectively.

(16) Section 765 is amended—

(A) in paragraph (4), by redesignating clauses (i) and (ii) as clauses (A) and (B), respectively; and

(B) in each of paragraphs (8) and (9), by redesignating clauses (a), (b), (c), (d), and (e) as clauses (A), (B), (C), (D), and (E), respectively.

(17) Section 770(g) is amended by striking out "the Internal Revenue Code of 1954" in clause (2) of the second sentence and inserting in lieu thereof "the Internal Revenue Code of 1986".

(18) The text of section 774 is amended to read as follows:

"(a) There is an Advisory Council on Servicemen's Group Life Insurance. The council consists of—

"(1) the Secretary of the Treasury, who is the chairman of the council;

"(2) the Secretary of Defense;

"(3) the Secretary of Commerce;

"(4) the Secretary of Health and Human Services;

"(5) the Secretary of Transportation; and

"(6) the Director of the Office of Management and Budget.

Members of the council shall serve without additional compensation.

"(b) The council shall meet at least once a year, or more often at the call of the Secretary of Veterans Affairs. The council shall review the operations of the Department under this subchapter and shall advise the Secretary on matters of policy relating to the Secretary's activities under this subchapter."

(19) Section 783 is amended by striking out "section 14 of title 25," and inserting in lieu thereof "the Act of February 25, 1933 (25 U.S.C. 14)".

(20) Section 901(d) is amended—

(A) by striking out "deems" and inserting in lieu thereof "considers";

(B) by striking out the comma after "this section"; and

(C) by striking out ", United States Code".

(21) Section 1004(c)(2)(B) is amended by striking out "the date of the enactment of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986" and inserting in lieu thereof "October 28, 1986".

(22) Section 1010(b) is amended by striking out "the military departments" and inserting in lieu thereof "each military department".

(c) CHAPTERS 30 THROUGH 43 OF TITLE 38.—Part III of such title is amended as follows:

(1) Section 1415(c) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal

Years 1990 and 1991,” and inserting in lieu thereof “November 29, 1989.”

(2) The item relating to section 1423 in the table of sections at the beginning of chapter 30 is amended by striking out “chapter” and inserting in lieu thereof “subchapter”.

(3) Section 1504(b) is amended by striking out “(29 U.S.C. 796)” and inserting in lieu thereof “(29 U.S.C. 796a)”.

(4) Section 1517(a) is amended—

(A) by inserting “(29 U.S.C. 701 et seq.)” in paragraph (1) after “the Rehabilitation Act of 1973”; and

(B) by striking out the second period at the end of paragraph (2)(C).

(5) Section 1521(a)(3) is amended by inserting “and Training” after “Veterans’ Employment”.

(6) Section 1602(1)(A) is amended by inserting a comma after “January 1, 1977” the last place it appears.

(7) Section 1792(a) is amended by inserting “and Training” after “Veterans’ Employment”.

(8) Section 1812 is amended—

(A) in subsection (c)(5), by striking out “under this section” and inserting in lieu thereof “for purposes specified in this section”; and

(B) in subsection (1), by striking out “, beginning 12 months following October 23, 1970.”.

(9) Section 2011(2)(B) is amended by inserting a comma before “except for”.

(10) Section 2013 is amended by striking out “the Comprehensive Employment and Training Act” and inserting in lieu thereof “the Job Training Partnership Act (29 U.S.C. 1501 et seq.)”.

(d) CHAPTERS 51 THROUGH 61 OF TITLE 38.—Part IV of such title (as in effect immediately before the enactment of the Department of Veterans Affairs Health-Care Personnel Act of 1991) is amended as follows:

(1) Section 3004 is amended—

38 USC 5104.

(A) by striking out “(1)” after “(a)”;

(B) by striking out “(2)” and inserting in lieu thereof “(b)”;

(C) by striking out “paragraph (1) of this subsection” and inserting in lieu thereof “subsection (a)”;

(D) by striking out “(A)” and “(B)” and inserting in lieu thereof “(1)” and “(2)”, respectively.

(2) Section 3101(d) is amended by striking out “the Internal Revenue Code of 1954” and inserting in lieu thereof “the Internal Revenue Code of 1986”.

38 USC 5301.

(3) Section 3116 is amended—

38 USC 5316.

(A) by striking out “Within ninety days after the date of the enactment of this section, the” in subsection (a)(1) and inserting in lieu thereof “The”;

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(4) Section 3305 is amended—

38 USC 5705.

(A) in subsection (c), by striking out “the date of the enactment of this section,” in paragraphs (1) and (2) and inserting in lieu thereof “October 7, 1980,”; and

(B) in subsection (d)—

(i) in the first sentence of paragraph (1), by striking out "Not later than 180 days after the date of the enactment of this section, the" and inserting in lieu thereof "The";

(ii) in the second sentence of paragraph (1), by striking out "such enactment date" and inserting in lieu thereof "October 7, 1980,";

(iii) in the third sentence of paragraph (1)—

(I) by striking out "existing"; and

(II) by inserting "in existence on October 7, 1980" after "such programs"; and

(iv) in paragraph (2), by striking out "After the date on which such regulations are first prescribed, no activity shall be considered" and inserting in lieu thereof "An activity may not be considered".

38 USC 5711.

(5)(A) Section 3311 is amended to read as follows:

"§ 3311. Authority to issue subpoenas

"(a) For the purposes of the laws administered by the Secretary, the Secretary, and those employees to whom the Secretary may delegate such authority, to the extent of the authority so delegated, shall have the power to—

"(1) issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles from the place of hearing;

"(2) require the production of books, papers, documents, and other evidence;

"(3) take affidavits and administer oaths and affirmations;

"(4) aid claimants in the preparation and presentation of claims; and

"(5) make investigations and examine witnesses upon any matter within the jurisdiction of the Department.

"(b) Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States."

(B) The item relating to such section in the table of sections at the beginning of chapter 57 is amended to read as follows:

"3311. Authority to issue subpoenas."

38 USC 5713.

(6)(A) Section 3313 is amended by striking out "subpena" both places it appears in the text and inserting in lieu "subpoena".

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

"§ 3313. Disobedience to subpoena".

(C) The item relating to such section in the table of sections at the beginning of chapter 57 is amended to read as follows:

"3313. Disobedience to subpoena."

38 USC 6101,
6102.

(7) Sections 3501(a), 3502(a), and 3502(b) are amended by striking out "not more than \$2,000" and inserting in lieu thereof "in accordance with title 18".

38 USC 6103.

(8) Section 3503 is amended—

(A) by adding at the end of subsection (b) the following: "An apportionment award under this subsection may not be made in any case after September 1, 1959."; and

(B) by striking out subsection (e).

- (9) Section 3505(c) is amended— 38 USC 6105.
- (A) by striking out “clauses (1),” and inserting in lieu thereof “clauses (2),”;
- (B) by striking out “Secretary of the Treasury, as may be” and inserting in lieu thereof “Secretary of Transportation, as”; and
- (C) by striking out “clause (2) of subsection (b) of this section” and inserting in lieu thereof “clause (1) of that subsection”.

(e) CHAPTERS 71 THROUGH 76 OF TITLE 38.—Part V of such title (as in effect immediately before the enactment of the Department of Veterans Affairs Health-Care Personnel Act of 1991) is amended as follows:

- (1) The tables of chapters before part I and at the beginning of part V are each amended by inserting “United States” before “Court of Veterans Appeals”.
- (2) Section 4001(a) is amended— 38 USC 7101.
- (A) by striking out “There shall be” and inserting in lieu thereof “There is”;
- (B) by inserting a period after “Board”); and
- (C) by striking out “under the” and inserting in lieu thereof “The Board is under the”.
- (3) Sections 4052(a) and 4061(c) are amended by striking out “court” and inserting in lieu thereof “Court”. 38 USC 7252, 7261.
- (4) Section 4054 is amended by redesignating the second subsection (d) as subsection (e). 38 USC 7254.
- (5) Section 4092(c) is amended by striking out “United States Courts” and inserting in lieu thereof “United States Court”. 38 USC 7292.
- (6) Section 4097(h)(1)(A)(i) is amended by striking out “subsection (1)” and inserting in lieu thereof “subsection (l)”. 38 USC 7297.
- (7) Section 4202 is amended by striking out “section 5 of title 41” in paragraph (6) and inserting in lieu thereof “section 3709 of the Revised Statutes (41 U.S.C. 5)”. 38 USC 7802.
- (8) Section 4209 is amended by striking out “child care” each place it appears and inserting in lieu thereof “child-care”. 38 USC 7809.
- (9) Section 4322(d) is amended by inserting an open parenthesis before “adjusted in”. 38 USC 7622.
- (10) Section 4331(b)(4) is amended by striking out “chapter 51” and inserting in lieu thereof “chapter 53”. 38 USC 7631.

(f) CHAPTERS 81 THROUGH 85 OF TITLE 38.—Part VI of such title (as in effect immediately before the enactment of the Department of Veterans Affairs Health-Care Personnel Act of 1991) is amended as follows:

- (1) The table of sections at the beginning of chapter 81 is amended—
- (A) by transferring the item relating to section 5016 (as added by section 205(b) of Public Law 100-322) so as to appear immediately after the item relating to section 5015; and
- (B) by revising the item relating to section 5035 so that the initial letter of the last word is lower case.
- (2) Section 5002(d) is amended by striking out “section 5001” and inserting in lieu thereof “section 5011”. 38 USC 8102.
- (3) Section 5007(a)(2)(B) is amended by striking out the second comma before “are most in need of”. 38 USC 8107.
- (4) Section 5011A is amended— 38 USC 8111A.
- (A) by striking out “or (g)” in subsection (b)(2)(A); and

(B) by striking out subsection (d) and inserting in lieu thereof the following:

“(d)(1) The Secretary of Veterans Affairs and the Secretary of Defense shall jointly review plans for the implementation of this section not less often than annually.

Reports.

“(2) Whenever a modification to such plans is agreed to, the Secretaries shall jointly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on such modification. Any such report shall be submitted within 30 days after the modification is agreed to.”

38 USC 8122.

(5) Section 5022(a)(3)(A) is amended—

(A) by striking out “State home” and inserting in lieu thereof “State”; and

(B) by striking out “the paragraph” and inserting in lieu thereof “this paragraph”.

38 USC 8134.

(6) Section 5034 is amended—

(A) by inserting “(a)” before “Within six months”;

(B) by striking out “this section or any amendment to it” and inserting in lieu thereof “any amendment to this section”; and

(C) by designating the sentence at the end of paragraph (3) as subsection (b), realigning such sentence so as to appear full measure and indented, and striking out “such standards” at the end of such sentence and inserting in lieu thereof “the standards prescribed under subsection (a)(3)”.

38 USC 8135.

(7) Section 5035(a) is amended by striking out “After regulations” and all that follows through “any State” in the first sentence and inserting in lieu thereof “Any State”.

38 USC 8152.

(8) Section 5052 is amended—

(A) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(B) by realigning those paragraphs to be indented two ems.

38 USC 8153.

(9) Section 5053 is amended by striking out “hereunder” at the end of subsection (c) and inserting in lieu thereof “under this section”.

38 USC 8201.

(10) Section 5070(e) is amended by striking out “section 5012(a)” and inserting in lieu thereof “section 5022(a)”.

38 USC 8502.

(11) Section 5202(b) is amended by inserting a comma in the second sentence before “namely,”.

Effective dates.

(g) TECHNICAL AMENDMENTS TO OTHER VETERANS STATUTES.—

38 USC 1832, 1833.

(1) Effective as of May 20, 1988, section 415(b)(5)(C) of Public Law 100-322 (102 Stat. 551) is amended by striking out “paragraph (4)” and inserting in lieu thereof “paragraph (1)(D)”.

38 USC 7104.

(2) Effective as of November 18, 1988, the first quoted matter in section 101(b) of Public Law 100-687 (102 Stat. 4106) is amended by inserting “the” after “benefits under”.

26 USC 6103 note.

(3) Section 502 of Public Law 96-128 (93 Stat. 987) is amended by striking out “Internal Revenue Code of 1954” in the first sentence and the last sentence and inserting in lieu thereof “Internal Revenue Code of 1986”.

SEC. 15. OTHER TECHNICAL CORRECTIONS TO TITLE 38, UNITED STATES CODE.

(a) AMENDMENTS.—Title 38, United States Code, is amended as follows:

(1) Section 1805(a) is amended—

(A) by striking out “approved” in the first sentence and inserting in lieu thereof “appraised”; and

(B) by striking out “approval” in the second and inserting in lieu thereof “appraisal”.

(2) Section 1825(c) is amended—

(A) in paragraph (2), by striking out “There” and inserting in lieu thereof “Except as provided in paragraph (3) of this subsection, there”; and

(B) by adding at the end the following new paragraph:

“(3) In the case of a loan described in clause (C) of section 1829(a)(2) of this title, there shall be credited to the Guaranty and Indemnity Fund, in lieu of any amount that would otherwise be credited for such a loan under subparagraph (A) or (B) of paragraph (2) of this subsection—

“(A) for each loan closed during fiscal year 1990, an amount equal to 0.25 percent of the original amount of the loan for each of the fiscal years 1991 and 1992;

“(B) for each loan closed after fiscal year 1990, an amount equal to 0.25 percent of the original amount of the loan for the fiscal year in which the loan is closed and for the following fiscal year.”.

(3) Section 1829(a) is amended by striking out paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(4) Section 1829(c)(2) is amended by striking out “section 1825(c)(2) (A) or (B) of this title and subsection (a)(3) of this section” and inserting in lieu thereof “clause (A) or (B) of paragraph (2) of section 1825(c) of this title or paragraph (3) of that section”.

(5) Section 1833 is amended by striking out the subsection (e) that was added by section 5003(a) of Public Law 101-239.

(b) RATIFICATION.—(1) Any action of the Secretary of Veterans Affairs or the Secretary of the Treasury—

(A) that was taken during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act; and

(B) that would have been an action carried out under section 1825(c)(3) of title 38, United States Code, if the amendment made by paragraph (2) of subsection (a) of this section had been made before October 1, 1990,

is hereby ratified.

(2) Any failure to act by the Secretary of Veterans Affairs or the Secretary of the Treasury during such period under section 1829(a)(3) of such title is hereby ratified.

Approved June 13, 1991.

38 USC 1825
note.

LEGISLATIVE HISTORY—H.R. 232:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 6, considered and passed House.

May 16, considered and passed Senate, amended.

May 22, House concurred in Senate amendments.

Public Law 102-55
102d Congress

An Act

June 13, 1991
[H.R. 2251]

Making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide dire emergency supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

Dire Emergency Supplemental Appropriations From Contributions of Foreign Governments And/Or Interest for Humanitarian Assistance to Refugees and Displaced Persons In and Around Iraq as a Result of the Recent Invasion of Kuwait and for Peacekeeping Activities and Other Urgent Needs Act of 1991.

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

PERSIAN GULF REGIONAL DEFENSE FUND

(TRANSFER OF FUNDS)

In addition to the purposes for which it is otherwise available, the Persian Gulf Regional Defense Fund shall be available for the incremental costs of the Department of Defense incurred in connection with Operation Provide Comfort and any other humanitarian efforts for the relief of refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and, upon a determination by the Secretary of Defense that such action is necessary, he may transfer from the Persian Gulf Regional Defense Fund not to exceed \$320,500,000 from the amounts appropriated for Operation Desert Shield/Desert Storm in the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991, to be used for incremental costs of such humanitarian relief efforts, to the following accounts in not to exceed the following amounts as determined by the Secretary of Defense:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

For an additional amount for appropriations under the heading "Military Personnel", \$2,000,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

For an additional amount for appropriations under the heading "Operation and Maintenance", \$318,500,000.

DEFENSE COOPERATION ACCOUNT

(TRANSFER OF FUNDS)

For contributions only to the military relief societies, not to exceed \$16,000,000 is appropriated from the Defense Cooperation Account, to be derived only from the interest payments deposited to the credit of such account, and not from any contributions of foreign governments in such account, to be available only for transfer as a contribution by the Secretary of Defense to the following relief societies in not to exceed the following amounts: Army Emergency Relief Society, \$10,000,000; Navy-Marine Corps Relief Society, \$5,000,000; Air Force Aid Society, \$1,000,000: *Provided*, That contributions made as provided herein shall be treated in the same manner, to the same extent, and for all purposes, as contributions received by such societies from private individuals and organizations.

GENERAL PROVISIONS—CHAPTER I

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. The authority provided in this chapter to transfer funds from the Defense Cooperation Account and the Persian Gulf Regional Defense Fund is in addition to any other transfer authority contained in any other Act making appropriations for the Department of Defense for fiscal year 1991: *Provided*, That any amounts so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. The costs for which transfers are provided herein are costs associated with Operation Desert Storm: *Provided further*, That any limitations applicable to the amounts that may be transferred to individual appropriations of the Department of Defense from the Fund are hereby increased by the amount of transfers made pursuant to this provision.

SEC. 102. Notwithstanding any other provision of law, the balance of the \$15,000,000,000 corpus to be maintained in the Persian Gulf Regional Defense Fund shall be reduced by the amount of transfers from such fund made to support Operation Provide Comfort and other humanitarian relief efforts as provided in this chapter.

CHAPTER II

DEPARTMENT OF STATE

DEFENSE COOPERATION ACCOUNT

For a portion of the expenses associated with Operation Desert Storm and the provision of emergency assistance, pursuant to section 251(b)(2)(D)(i) of Public Law 99-177, as amended, for refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait, and for peacekeeping activities and for international disaster assistance in the region, there is appropriated from the Defense Cooperation Account, \$235,500,000, to be derived from any contributions of foreign governments and/or interest payments deposited to the credit of such account, which shall be available only for transfer by the Secretary of Defense to "International Disaster Assistance", "Migration and Refugee Assistance", "United States

Emergency Refugee and Migration Assistance”, and “Contributions to International Peacekeeping Activities”, as follows:

FUNDS APPROPRIATED TO THE PRESIDENT

BILATERAL ECONOMIC ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for “International Disaster Assistance”, \$67,000,000, to remain available until expended: *Provided*, That in addition to amounts otherwise available for such purposes, up to \$200,000 of the funds appropriated under this heading may be made available for the purpose of paying administrative expenses of the Agency for International Development in connection with carrying out its functions under this heading.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

(TRANSFER OF FUNDS)

For an additional amount for “Migration and Refugee Assistance”, \$75,000,000: *Provided*, That in addition to amounts otherwise available for such purposes, up to \$250,000 of the funds appropriated under this heading may be made available for the administrative expenses of the Office of Refugee Programs of the Department of State: *Provided further*, That funds made available under this heading shall remain available until September 30, 1992.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

(TRANSFER OF FUNDS)

For an additional amount for the “United States Emergency Refugee and Migration Assistance Fund”, \$68,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 that would limit the amount of funds that could be appropriated for this purpose.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for “Contributions to international peacekeeping activities”, \$25,500,000, to remain available until September 30, 1992.

GENERAL PROVISIONS—CHAPTER II

SEC. 201. The authority provided in this chapter to transfer funds from the Defense Cooperation Account is in addition to any other transfer authority contained in any other Act making appropriations for fiscal year 1991.

SEC. 202. Funds transferred or otherwise made available pursuant to this Act may be made available notwithstanding any provision of law that restricts assistance to particular countries.

SEC. 203. Funds transferred pursuant to this chapter for International Disaster Assistance and the United States Emergency Refugee and Migration Assistance Fund may be used for any of the purposes for which funds are authorized under those accounts and may also be used to replenish appropriations accounts from which assistance was provided prior to the enactment of this Act, notwithstanding any other provision of this or any other Act.

SEC. 204. Amounts obligated for fiscal year 1991 under the authority of section 492(b) of the Foreign Assistance Act of 1961 to provide international disaster assistance in connection with the Persian Gulf crisis shall not be counted against the ceiling limitation of such section.

SEC. 205. The value of any defense articles, defense services, and military education and training authorized as of April 20, 1991, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961 shall not be counted against the ceiling limitation of such section.

SEC. 206. Funds made available under this chapter may be made available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

SEC. 207. None of the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513), under the heading "Economic Support Fund", that were allocated for Pakistan may be made available for assistance for another country or purpose unless notification is provided in accordance with the regular notification procedures of the Committees on Appropriations.

CHAPTER III

Reports.

NATURAL DISASTERS

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The Director of the Office of Management and Budget, using up to \$35,000 of funds previously appropriated under this head in Public Law 101-509, shall prepare a report on unfunded costs of dire emergencies existing because of floods, droughts, tornadoes, unemployment, and other disasters in the United States and submit the report to the appropriate committees of Congress within ten days of the date of enactment of this Act, pending receipt of a budget request.

The Director of the Office of Management and Budget, using up to \$15,000 of funds previously appropriated under this head in Public Law 101-509, shall prepare a report on unfunded costs, including food assistance, of international disaster emergencies existing because of floods, droughts, tornadoes, and other disasters and prepare

a report on the threats to oil supply, human health and the environment, that the Kuwaiti oil fires might pose and submit the reports to the appropriate committees of Congress within ten days of the date of enactment of this Act, pending receipt of a budget request.

CHAPTER IV

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Of the funds appropriated under this heading in Public Law 101-515 and Public Law 102-27, \$159,325,000 shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public law 99-64.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds appropriated under this heading in Public Law 101-515, \$8,262,000 is hereby rescinded.

DEFENDER SERVICES

For an additional amount for "Defender Services", \$8,000,000 to remain available until expended.

CHAPTER V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Funds made available in this Act, being incremental costs of "Operation Desert Storm" or offset, similar to items in the Dire Emergency Supplemental Appropriations Act, Public Law 102-27, and the Operation Desert Shield/Desert Storm Supplemental Appropriations Act, Public Law 102-28, are off budget.

SEC. 503. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Republic of Korea for the costs of local national employees of the Department of Defense to be credited to Department of Defense operation and maintenance appropriations available for the salaries and benefits of such Korean national employees to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided*, That not later than October 31, 1991, the Secretary of Defense shall submit a report on the contributions accepted by the Secretary under this provision.

This Act may be cited as the "Dire Emergency Supplemental Appropriations From Contributions of Foreign Governments And/

Or Interest for Humanitarian Assistance to Refugees and Displaced Persons In and Around Iraq as a Result of the Recent Invasion of Kuwait and for Peacekeeping Activities and Other Urgent Needs Act of 1991”.

Approved June 13, 1991.

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LEGISLATIVE HISTORY—H.R. 2251 (S. 786):

HOUSE REPORTS: No. 102-71 (Comm. on Conference).

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 9, considered and passed House; considered and passed Senate, amended.
May 22, House agreed to conference report; receded and concurred in Senate amendment, in others with amendments. Senate agreed to conference report; concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

June 13, Presidential statement.

Public Law 102-56
102d Congress

Joint Resolution

June 13, 1991
[H.J. Res. 219]

To designate the week beginning June 9, 1991, as "National Scleroderma Awareness Week".

Whereas scleroderma is a disease caused by excessive production of collagen, the main fibrous component of connective tissue, the effects of which are hardening of the skin and internal organs, such as the esophagus, lungs, kidney, and heart;

Whereas approximately 300,000 people in the United States suffer from scleroderma, and women of childbearing years suffer from the disease 3 times more frequently than men;

Whereas scleroderma, a painful, crippling, and disfiguring disease, is often progressive and can result in premature death;

Whereas the symptoms of scleroderma are variable and therefore complicate and confuse diagnosis of the disease;

Whereas the cause of and cure for scleroderma are unknown; and

Whereas scleroderma is an orphan disease that requires intensive research to improve treatment and to discover its cause and cure:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 9, 1991, is designated as "National Scleroderma Awareness Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Approved June 13, 1991.

LEGISLATIVE HISTORY—H.J. Res. 219:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 5, considered and passed House.
June 6, considered and passed Senate.

Public Law 102-57
102d Congress

Joint Resolution

Designating June 10 through 16, 1991, as "Pediatric AIDS Awareness Week".

June 18, 1991
[H.J. Res. 91]

- Whereas more than 157,525 individuals in the United States have been diagnosed with acquired immunodeficiency syndrome (commonly known as AIDS) and 98,530 have died from the disease;
- Whereas the Public Health Service has estimated that there will be 365,000 cases of AIDS by the end of 1992 and that there are currently between 1,000,000 and 1,500,000 persons in the United States infected with the human immunodeficiency virus (commonly known as HIV) which causes AIDS;
- Whereas heterosexual AIDS is not a myth as evidenced by the fact that the proportion of females with AIDS continues to rise, as does the number of pediatric AIDS cases of children infected perinatally;
- Whereas pediatric AIDS refers to AIDS patients under the age of 13 at the time of being diagnosed with the disease;
- Whereas the Centers for Disease Control has reported 2,734 cases of pediatric AIDS resulting in 1,423 deaths as of November 1990;
- Whereas approximately 75 percent of teenagers in the United States have had sexual intercourse by the age of 19;
- Whereas among the 25,000,000 adolescents between the ages of 13 and 19 there are subgroups who either have intercourse at an earlier age or whose patterns of sexual behavior put them at risk of becoming infected with HIV;
- Whereas HIV-infected women can transmit the virus to their infants during pregnancy or at birth;
- Whereas more than 80 percent of children with AIDS have a parent with, or at risk for, HIV infection;
- Whereas 27 percent of reported pediatric AIDS cases in the United States have occurred in New York City and 74 percent of those are related to drug use by a parent or unprotected sexual activity;
- Whereas 70 percent of women who are HIV-infected and 78 percent of children with pediatric AIDS are African-American or Latino, many of whom have experienced social and economic discrimination;
- Whereas there have been 157 cases of pediatric AIDS reported to the Centers for Disease Control in Miami, Florida; 123 cases in Newark, New Jersey; 106 cases in San Juan, Puerto Rico; 90 cases in Los Angeles, California; 64 cases in Washington, District of Columbia; 53 cases in West Palm Beach, Florida; 53 cases in Philadelphia, Pennsylvania; 51 cases in Boston, Massachusetts; 50 cases in Chicago, Illinois; 49 cases in Baltimore, Maryland; and 45 cases in Houston, Texas;
- Whereas schools across the Nation continue to discriminate against AIDS and HIV-infected children and their families;
- Whereas there are increasing numbers of HIV-infected children and it is important that the people of the United States diligently seek preventative measures and better solutions to care for HIV-in-

fectured pregnant women, including helping them gain access to new delaying and preventative therapies to allow time for biomedical progress;

Whereas early intervention and educational resources must be made available to all citizens, especially adolescents, women who are drug abusers, and other high-risk groups to make them more aware of AIDS and the risks associated with engaging in unprotected sexual activity;

Whereas the Health Care Financing Administration and the Public Health Service should work with appropriate State officials to help design optimal care packages needed for children with AIDS or HIV infection; and

Whereas States and localities should recognize relatives as an appropriate source of foster care for children with AIDS whose parents can no longer care for them, subject to the same review and afforded the same benefits as other foster parents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 10 through 16, 1991, is designated as "Pediatric AIDS Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Approved June 18, 1991.

LEGISLATIVE HISTORY—H.J. Res. 91:

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 5, considered and passed House.

June 11, considered and passed Senate.

Public Law 102-58
102d Congress

An Act

To designate the facility of the United States Postal Service located at 630 East 105th Street, Cleveland, Ohio, as the "Luke Easter Post Office".

June 18, 1991

[H.R. 971]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 630 East 105th Street, Cleveland, Ohio, is designated as the "Luke Easter Post Office".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Luke Easter Post Office".

SEC. 3. LEAVE BANK FOR JUDICIAL BRANCH EMPLOYEES OF THE FEDERAL GOVERNMENT IN RESERVES WHO WERE ACTIVATED DURING PERSIAN GULF WAR.

5 USC 6361 note.

(a) **JUDICIAL BRANCH EMPLOYEES.**—The Director of the Administrative Office of the United States Courts shall establish a leave bank program under which—

(1) an employee of the Judicial Branch may (during a period specified by the Director of the Administrative Office) donate any unused annual leave from the employee's annual leave account to a leave bank established by the Director;

(2) the total amount of annual leave that has been donated under paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code, and who return to employment with the Judicial Branch; and

(3) such Persian Gulf conflict participants who have returned to Judicial Branch employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

(b) **DEFINITIONS.**—For purposes of subsection (a), the term "employee" means an employee as defined in section 6301(2) of title 5, United States Code.

(c) **DEADLINE FOR REGULATIONS.**—Within 30 days after the date of the enactment of this Act, the Director of the Administration Office shall prescribe regulations necessary for the administration of subsection (a).

Approved June 18, 1991.

LEGISLATIVE HISTORY—H.R. 971:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 19, considered and passed House.

May 24, considered and passed Senate, amended.

June 3, House concurred in Senate amendment.

Public Law 102-59
102d Congress

An Act

June 18, 1991
[S. 483]

Entitled the "Taconic Mountains Protection Act of 1991".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Vermont.
National Forest
System.

SECTION 1. FINDINGS AND PURPOSES.

(a) Congress finds that—

(1) large tracts of undeveloped forest land in Vermont's Taconic Mountain Range are threatened by conversion to nonforest uses;

(2) lands included in the Green Mountain National Forest are forever open to all Americans;

(3) the Green Mountain National Forest permanently protects forests for their environmental and economic benefits through the management of range, recreation, timber, water, wilderness, and fish and wildlife resources;

(4) the Bennington County Regional Commission supports expanding the Green Mountain National Forest boundary to include the Taconic Mountain Range; and

(5) the Vermont General Assembly has enacted legislation consenting to the acquisition by the Federal Government of lands throughout the Taconic Mountain Range within Bennington County for inclusion in the Green Mountain National Forest.

(b) It is the purpose of this Act to expand the boundaries of the Green Mountain National Forest to include the Taconic Mountain Range within Bennington County.

SEC. 2. GREEN MOUNTAIN NATIONAL FOREST EXPANSION.

The boundaries of the Green Mountain National Forest are hereby modified to include all lands depicted on a map entitled "Taconic Mountain Range Expansion" dated March 1, 1991, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. Within the area delineated on such map, the Secretary shall utilize his authorities under the Act of March 1, 1911 (chapter 186, 36 Stat. 961 as amended), to acquire lands, waters, and interests therein. Lands so acquired shall be managed under such Act for National Forest purposes.

Approved June 18, 1991.

LEGISLATIVE HISTORY—S. 483:

HOUSE REPORTS: No. 102-90 (Comm. on Agriculture).

SENATE REPORTS: No. 102-21 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 14, considered and passed Senate.

June 3, considered and passed House.

Public Law 102-60
102d Congress

Joint Resolution

June 18, 1991
[S.J. Res. 111]

Marking the seventy-fifth anniversary of chartering by Act of Congress of the Boy Scouts of America.

Whereas June 15, 1991, will mark the seventy-fifth anniversary of the granting by Act of Congress of the Charter of the Boy Scouts of America;

Whereas the Boy Scouts of America was the first youth organization to be granted a charter by Act of Congress;

Whereas the Congress has been kept informed of the programs and activities of the Boy Scouts of America through the annual reports made to it each year by this organization in accordance with such charter;

Whereas these programs and activities have been designed to instill in the Nation's youth the moral and ethical principles, and the habits, practices and attitudes, which are conducive to good character, citizenship, and health; and

Whereas by fostering in the youth of the Nation those qualities upon which our strength as a Nation is dependent, the Boy Scouts of America has made a contribution of inestimable value to the welfare of the entire Nation: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby pays tribute to the Boy Scouts of America on the occasion of the seventy-fifth anniversary of the granting by Act of Congress of the Charter of the Boy Scouts of America, and expresses its recognition of and appreciation for the public service performed by this organization through its contributions to the lives of the Nation's youth.

Approved June 18, 1991.

LEGISLATIVE HISTORY—S.J. Res. 111 (H.J. Res. 207):

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 22, considered and passed Senate.

June 12, H.J. Res. 207 and S.J. Res. 111 considered and passed House.

Public Law 102-61
102d Congress

An Act

To expand the boundaries of the Saguaro National Monument.

June 19, 1991
[S. 292]

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 "Saguaro National Monument Expansion Act of 1991".

Saguaro
National
Monument
Expansion Act of
1991.
Arizona.
Natural
resources.
16 USC 431 note.
16 USC 431 note.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds that the area generally to the south of the Rincon unit of the Saguaro National Monument contains—

- (1) prime Sonoran desert habitat including an exceptionally rich area of Saguaro cactus and palo verde uplands;
- (2) an outstanding riparian corridor of large Arizona sycamores and cottonwoods;
- (3) important archaeological and cultural sites; and
- (4) important habitat for the desert tortoise, gila monster, javelina, and other species of reptiles, mammals, and birds.

(b) **PURPOSE.**—The purpose of this Act is to authorize the addition of approximately 3,540 acres to the Rincon unit of the Saguaro National Monument in order to protect, preserve, and interpret the monument's resources, and to provide for the education and benefit of the public.

SEC. 3. DEFINITIONS.

16 USC 431 note.

As used in this Act, the term—

- (1) "expansion area" means the approximately 3,540 acres to be added to the monument pursuant to this Act;
- (2) "monument" means the Saguaro National Monument; and
- (3) "Secretary" means the Secretary of the Interior.

SEC. 4. EXPANSION OF MONUMENT BOUNDARIES.

16 USC 431 note.

(a)(1) **IN GENERAL.**—The monument boundaries are hereby revised to include the approximately 3,540 acres of lands and interests in land as generally depicted on the map entitled "Saguaro National Monument Enhanced Boundary", numbered 151/91,001-D, and dated September 1990.

(2) The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) **ACQUISITION OF LANDS.**—The Secretary is authorized to acquire lands and interests in lands within the monument boundary by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that lands or interests therein owned by the State of Arizona or any political subdivision thereof may be acquired only by donation or exchange.

(c) **ADMINISTRATION.**—Lands and interests in lands acquired pursuant to this Act shall be administered as part of the monument and shall be subject to all laws applicable to the monument.

(d) **AMENDMENT TO GENERAL MANAGEMENT PLAN.**—Within one year after the date of enactment of this Act, the Secretary is directed to amend the monument's general management plan with respect to the use and management of the expansion area.

16 USC 431 note. **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved June 19, 1991.

LEGISLATIVE HISTORY—S. 292:

HOUSE REPORTS: No. 102-88 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 102-44 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 25, considered and passed Senate.

June 3, considered and passed House.

Public Law 102-62
102d Congress

An Act

To authorize appropriations to establish a National Education Commission on Time and Learning and a National Council on Education Standards and Testing, and for other purposes.

June 27, 1991
[S. 64]

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 "Education Council Act of 1991".

Education
Council Act of
1991.
20 USC 1221-1
note.

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

20 USC 1221-1
note.

Sec. 1. Table of contents.

TITLE I—NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING

Sec. 101. Short title.

Sec. 102. National Education Commission on Time and Learning.

TITLE II—NATIONAL WRITING PROJECT

Sec. 201. Findings.

Sec. 202. National Writing Project.

TITLE III—MISCELLANEOUS

PART A—CIVIC EDUCATION PROGRAM

Sec. 301. Instruction on the history and principles of democracy in the United States.

PART B—LAW-RELATED EDUCATION PROGRAM

Sec. 311. Amendment to law-related education program.

TITLE IV—NATIONAL COUNCIL ON EDUCATION STANDARDS AND TESTING

Sec. 401. Short title.

Sec. 402. Purpose and findings.

Sec. 403. Establishment.

Sec. 404. Duties.

Sec. 405. Reports.

Sec. 406. Membership.

Sec. 407. Director and staff; experts and consultants.

Sec. 408. Powers of Council.

Sec. 409. Federal Advisory Committee Act.

Sec. 410. Authorization of Appropriations.

Sec. 411. Termination.

TITLE I—NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING

National
Education
Commission on
Time and
Learning Act.
20 USC 1221-1
note.

Sec. 101. SHORT TITLE.

This title may be cited as the "National Education Commission on Time and Learning Act".

SEC. 102. NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING.

(a) **ESTABLISHMENT.**—There is hereby established a National Education Commission on Time and Learning (hereafter in this title referred to as the “Commission”).

(b) **MEMBERSHIP OF THE COMMISSION.**—

(1) **IN GENERAL.**—The Commission shall consist of nine members, of whom—

(A) 3 members shall be appointed by the Secretary of Education (hereafter in this Act referred to as the “Secretary”);

(B) 3 members shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

(2) **REQUIREMENTS.**—

(A) After consultation among the appointing authorities, members of the Commission shall be appointed on the basis of exceptional education, training, or experience from among—

(i) the Nation’s Governors;

(ii) individuals from the business community;

(iii) individuals who are engaged in the profession of teaching;

(iv) individuals engaged in school administration, members of school boards, and parents or representatives of parents or parent organizations;

(v) State officials directly responsible for education;

(vi) Federal officials responsible for education policy;

(vii) educational researchers with experience relevant to the Commission’s work;

(viii) Members of Congress and State legislators; and

(ix) representatives of nonprofit organizations or foundations which work to expand educational opportunities for children outside of school hours.

(3) **VACANCIES.**—A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) **TERMS.**—Members of the Commission shall be appointed to serve for the life of the Commission.

(5) **COMPENSATION.**—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(6) **ACTIVITY OF COMMISSION.**—The Commission may begin to carry out its duties under this subsection when at least 5 members of the Commission have been appointed.

(c) **FUNCTIONS OF THE COMMISSION.**—

(1) **STUDY.**—The Commission shall examine the quality and adequacy of the study and learning time of elementary and secondary students in the United States, including issues regarding the length of the school day and year, the extent and role of homework, how time is being used for academic subjects,

year-round professional opportunities for teachers, and the use of school facilities for extended learning programs.

(2) **REPORT.**—The Commission shall submit a final report under subsection (d). The report shall include an analysis and recommendations concerning—

(A) the length of the academic day and the academic year in elementary and secondary schools throughout the United States and in schools of other nations;

(B) the time children spend in school learning academic subjects such as English, mathematics, science, history, and geography;

(C) the use of incentives for students to increase their educational achievement in available instruction time;

(D) how children spend their time outside school with particular attention to how much of that time can be considered “learning time” and how out-of-school activities affect intellectual development;

(E) the time children spend on homework, how much of that time is spent on academic subjects, the importance that parents and teachers attach to homework, and the extent to which homework contributes to student learning;

(F) year-round professional opportunities for teachers and how teachers can use their time to acquire knowledge and skills that will permit them to improve their performance and help raise the status of the profession;

(G) how school facilities are used for extended learning programs;

(H) the appropriate number of hours per day and days per year of instruction for United States public elementary and secondary schools;

(I) if appropriate, a model plan for adopting a longer academic day and academic year for use by United States elementary and secondary schools by the end of this decade, including recommendations regarding mechanisms to assist States, school districts, schools, and parents in making the transition from the current academic day and year to an academic day and year of a longer duration;

(J) suggestions for such changes in laws and regulations as may be required to facilitate States, school districts, and schools in adopting longer academic days and years; and

(K) an analysis and estimate of the additional costs, including the cost of increased teacher compensation, to States and local school districts if longer academic days and years are adopted.

(d) **COMMISSION REPORT.**—Not later than 2 years after the Commission concludes its first meeting, the Commission shall submit a final report to the Congress and the Secretary on the study and any recommendations required pursuant to the provisions of this section.

(e) **POWERS OF THE COMMISSION.**—

(1) **HEARINGS.**—The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) **TESTIMONY; PUBLIC HEARINGS.**—In carrying out this section, the Commission shall receive testimony and conduct public hearings in different geographic areas of the country, both

urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public regarding the quality and adequacy of the time devoted to study and learning.

(3) **INFORMATION.**—The Commission may secure directly from any Federal agency such information, relevant to its functions, as may be necessary to enable the Commission to carry out this subsection. Upon request of the Chairman of the Commission, the head of the agency shall, to the extent permitted by law, furnish such information to the Commission.

(4) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of money, services, or property, for the purpose of aiding the work of the Commission.

(5) **USE OF MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as the department and agencies of the United States.

(6) **SUPPORT SERVICES.**—The Secretary shall provide to the Commission on a reimbursable basis such reasonable administrative and support services as the Commission may request.

(f) **ADMINISTRATIVE PROVISIONS.**—

(1) **MEETINGS.**—The Commission shall meet on a regular basis, as necessary, at the call of the Chairman or a majority of its members.

(2) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(3) **CHAIRMAN AND VICE CHAIRMAN.**—

(A) The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission.

(B) The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its functions without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates, except that no employee, other than the staff director, may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(4) **OTHER FEDERAL PERSONNEL.**—Upon request of the Chairman of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any personnel of such agency to the Commission to assist the Commission in carrying out its duties under this title. Such detail shall be without interruption or loss of civil service status or privilege.

(g) **TERMINATION OF THE COMMISSION.**—The Commission shall terminate 90 days after submitting the final report required by subsection (d).

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out the provisions of this title.

TITLE II—NATIONAL WRITING PROJECT

20 USC 1221-1
note.

SEC. 201. FINDINGS.

The Congress finds that—

(1) the United States faces a crisis in writing in schools and in the workplace;

(2) only 25 percent of 11th grade students have adequate analytical writing skills;

(3) over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities;

(5) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

(6) most teachers in the United States elementary schools, secondary schools, and colleges, have not been trained to teach writing;

(7) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

(8) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

(9) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the country who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

(10) the National Writing Project has become a model for programs in other academic fields;

(11) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

(12) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

(13) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

(14) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

(15) each year approximately 85,000 teachers voluntarily seek training through word of mouth endorsements from other

teachers in National Writing Project intensive summer workshops and school-year inservice programs through one of the 141 regional sites located in 43 States, and in 4 sites that serve United States teachers teaching overseas;

(16) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

(17) 13 National Writing Project sites in 8 different States have been discontinued in 1988 due to lack of funding; and

(18) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support.

SEC. 202. NATIONAL WRITING PROJECT.

(a) **AUTHORIZATION.**—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the “grantee”), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation’s classrooms—

(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

(2) to support classroom research on effective teaching practice and to document student performance; and

(3) to pay the Federal share of the cost of such programs.

(b) **REQUIREMENTS OF GRANT.**—The grant shall provide that—

(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as “contractors”) under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

(c) **TEACHER TRAINING PROGRAMS.**—The teacher training programs authorized in subsection (a) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

(4) encourage teachers from all disciplines to participate in such teacher training programs.

Contracts.
Nonprofit
organizations.

(d) **FEDERAL SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term “Federal share” means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

(2) **WAIVER.**—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

(3) **MAXIMUM.**—(A) The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed \$40,000 for any one contractor, or \$200,000 for a statewide program administered by any one contractor in at least 5 sites throughout the State.

(B) The grantee under section 202, or any school or institution of higher education that receives funds under this section shall not spend more than 10 percent of the Federal funds it receives under this section for administrative costs.

(4) **SPECIAL RULE.**—For the purposes of this subsection, the costs of teacher programs do not include the administrative costs, publication cost, or the cost of providing technical assistance to the grantee.

(e) **CLASSROOM TEACHER GRANTS.**—

(1) **IN GENERAL.**—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

(A) conduct classroom research;

(B) publish models of student writing;

(C) conduct research regarding effective practices to improve the teaching of writing; and

(D) conduct other activities to improve the teaching and uses of writing.

(2) **SUPPLEMENT AND NOT SUPPLANT.**—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

(3) **MAXIMUM GRANT AMOUNT.**—Each grant awarded pursuant to this subsection shall not exceed \$2,000.

(f) **NATIONAL ADVISORY BOARD.**—

(1) **ESTABLISHMENT.**—The National Writing Project shall establish and operate a National Advisory Board.

(2) **COMPOSITION.**—The National Advisory Board established pursuant to paragraph (1) shall consist of—

(A) national educational leaders;

(B) leaders in the field of writing; and

(C) such other individuals as the National Writing Project deems necessary.

(3) **DUTIES.**—The National Advisory Board established pursuant to paragraph (1) shall—

(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(B) review the activities and programs of the National Writing Project; and

(C) support the continued development of the National Writing Project.

(g) **EVALUATION.**—The Secretary shall reserve not more than \$150,000 from the total combined amount appropriated pursuant to the authority of this section for fiscal years 1991, 1992, and 1993 to conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress.

(h) **RESEARCH AND DEVELOPMENT ACTIVITIES.**—

(1) **GRANTS AUTHORIZED.**—From amounts available to carry out the provisions of this subsection, the Secretary, through the Office of Educational Research and Improvement, shall make grants to individuals and institutions of higher education to conduct research activities involving the teaching of writing.

(2) **PRIORITY.**—(A) In awarding grants pursuant to paragraph (1), the Secretary shall give priority to junior researchers.

(B) The Secretary shall award not less than 25 percent of the funds received pursuant to subsection (i)(2) to junior researchers.

(C) The Secretary shall make available to the National Writing Project and other national information dissemination networks the findings of the research conducted pursuant to the authority of paragraph (1).

(i) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated for the grant to the National Writing Project, \$10,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993 to carry out the provisions of this section.

(2) **RESEARCH AND DEVELOPMENT.**—There are authorized to be appropriated \$500,000 for fiscal year 1991 to carry out the provisions of subsection (h).

(j) **DEFINITIONS.**—As used in this Act—

(1) the term “institution of higher education” has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(2) the term “junior researcher” means a researcher at the assistant professor rank or the equivalent who has not previously received a Federal research grant; and

(3) the term “Secretary” means the Secretary of Education.

20 USC 1221-1
note.

TITLE III—MISCELLANEOUS

PART A—CIVIC EDUCATION PROGRAM

SEC. 301. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

Part F of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3151 et seq.) is amended—

(1) by redesignating section 4608 (as added by Public Law 100-297) as section 4610; and

(2) by inserting before section 4610 (as redesignated by paragraph (1) of this section) the following:

20 USC 3157.

“SEC. 4609. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES. 20 USC 3156b.

“(a) GENERAL AUTHORITY.—

“(1) PROGRAM ESTABLISHED.—The Secretary shall carry out a program to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and civil responsibility. Such program shall be known as ‘We the People . . . The Citizen and the Constitution’.

“(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall continue and expand the educational activities of the National Bicentennial Competition of the Constitution and Bill of Rights administered by the Center for Civic Education.

“(3) CONTRACT AUTHORIZED.—The Secretary is authorized to enter into a contract with the Center for Civic Education to carry out the program required by paragraph (1).

“(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

“(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and Bill of Rights;

“(2) school and community simulated congressional hearings following the course of study at the request of participating schools; and

“(3) an annual competition of simulated congressional hearings at the congressional district, State, and national levels for secondary students who wish to participate in such program.

“(c) PROGRAM PARTICIPANTS.—The education program authorized by this section shall be made available to public and private elementary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

“(d) SPECIAL RULE.—Funds provided under this section may be used for the advanced training of teachers about the Constitution and Bill of Rights after the provisions of subsection (b) have been implemented.

“(e) REPORT.—The Secretary shall report on a biennial basis, to the appropriate committees of the Congress on the distribution and use of funds authorized pursuant to the authority of subsection (f).

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for the fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this section.”

PART B—LAW-RELATED EDUCATION PROGRAM

SEC. 311. AMENDMENT TO LAW-RELATED EDUCATION PROGRAM.

Section 1565 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2965) is amended—

“(1) in subsection (a)—

(A) by inserting “(1)” before “(a)”; and

(B) by adding at the end the following:

“(2) The Secretary shall give priority for grants and contracts under this section to agencies, organizations, and institutions described in paragraph (1) that plan to operate statewide programs.

Grants.
Contracts.

“(3)(A) Except as provided in subparagraph (B), the Secretary shall award grants and enter into contracts under this section for periods of 2 or 3 years.

“(B) The Secretary may award a grant or enter into a contract under this section for a period of less than 2 years in any case in which the Secretary determines that special circumstances exist.”; and

“(2) by adding at the end the following:

“(d) APPLICATIONS.—

“(1) Any agency, organization, or institution described in subsection (a)(1) that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

“(2) The Secretary shall convene a panel of experts for purposes of reviewing applications submitted under paragraph (1). Such experts shall be individuals who have experience in and are familiar with law-related education.”.

National
Council on
Education
Standards and
Testing Act.
20 USC 1221-1
note.

TITLE IV—NATIONAL COUNCIL ON EDUCATION STANDARDS AND TESTING

SEC. 401. SHORT TITLE.

This title may be cited as the “National Council on Education Standards and Testing Act”.

SEC. 402. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this title is to create a national council to provide advice on the desirability and feasibility of national standards and testing in education.

(b) FINDINGS.—The Congress finds that—

(1) organizations have begun developing national education standards for various subject areas and grade levels;

(2) groups have called for the expansion of national testing for school children;

(3) decisions regarding the desirability and feasibility of additional national testing should follow such decisions on national standards for education;

(4) efforts regarding national standards and testing should be undertaken with the broadest possible participation by the public; and

(5) a major national council is needed to assure broad participation by the public, to provide a focus for national debate on national education standards and testing, and to provide advice on the desirability and feasibility of developing national standards and testing.

SEC. 403. ESTABLISHMENT.

There is established a council to be known as the National Council on Education Standards and Testing (in this title referred to as the “Council”).

SEC. 404. DUTIES.

The Council shall advise the American people on—

(1) whether suitable specific education standards should and can be established, such as world class standards, for—

(A) the knowledge and skills that students should possess and that schools should impart in order that American students leave grades 4, 8, and 12 demonstrating competency in challenging subject matter including English, mathematics, science, history, and geography; and

(B) every school in America to ensure that all students learn to use their minds well so that they will be prepared for responsible citizenship, further learning, and productive employment in our modern economy; and

(2) whether, while respecting State and local control of education, an appropriate system of voluntary national tests or examinations should and can be established, such as American achievement tests, that will provide prompt, accurate information to parents, educators, and policymakers on the progress being made toward the specific education standards by individual students, schools, school systems, States, and the Nation as a whole (if such standards can be established). The goal of any such system shall be to foster good teaching and learning, as well as to monitor performance.

SEC. 405. REPORTS.

(a) **FINAL REPORT.**—The Council shall, as soon as possible, but not later than December 31, 1991, submit a report to the Congress, the Secretary of Education, and the National Education Goals Panel that contains recommendations regarding long-term policies, structures, mechanisms, and other important considerations with respect to the objectives described in paragraphs (1) and (2) of section 404. A discussion of the validity, reliability, fairness, and costs of implementing a system of voluntary national tests or examinations shall also be included in such report.

(b) **INTERIM REPORTS.**—The Council may submit to the Congress, the Secretary of Education, and the National Education Goals Panel interim reports it considers appropriate.

SEC. 406. MEMBERSHIP.

(a) **IN GENERAL.**—The Council shall be composed of 32 members as follows:

(1) The Secretary of Education shall appoint 22 members to include at least one representative from each of the following:

(A) The Administration.

(B) The Commission on Achievement of Necessary Skills.

(C) The National Assessment Governing Board.

(D) State legislators.

(E) Chief State school officers.

(F) School administrators.

(G) Elementary or secondary school teachers.

(H) Institutions of higher education.

(I) Individuals with expertise in education standards and testing.

(J) National teacher organizations.

(2) The Chairperson or a designee of the National Education Goals Panel.

(3) The Governor designated to serve as Chairperson of the National Education Goals Panel for the year succeeding the year in which such panel is meeting (or a designee).

(4) The Speaker of the House of Representatives shall appoint 1 member (excluding Members of Congress).

(5) The minority leader of the House of Representatives shall appoint 1 member (excluding Members of Congress).

(6) The majority leader of the Senate shall appoint 1 member (excluding Members of Congress).

(7) The minority leader of the Senate shall appoint 1 member (excluding Members of Congress).

(8) The Chairman of the Committee on Education and Labor of the House or a designee.

(9) The ranking minority member of the Committee on Education and Labor of the House or a designee.

(10) The Chairman of the Committee on Labor and Human Resources of the Senate or a designee.

(11) The ranking minority member of the Committee on Labor and Human Resources of the Senate or a designee.

(b) VACANCIES.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(c) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Council.

(d) QUORUM.—17 members of the Council shall constitute a quorum.

(e) COCHAIRPERSONS.—The Chairperson of the National Education Goals Panel or a designee and the Governor designated to serve as the Chairperson for the succeeding year in which the panel is meeting (or a designee) shall serve as cochairpersons of the Council upon the date of the enactment of this title.

(f) COMPENSATION.—

(1) MEMBERS.—Except as provided in paragraph (2), members of the Council shall each be reimbursed at a rate not to exceed the rate of pay for level III of the Executive Schedule for each day (including travel time) during which they are engaged in the performance of duties vested in the Council.

(2) EXCEPTION.—Members of the Council who are fulltime officers or employees of the United States or Members of Congress shall receive no additional compensation by reason of their service on the Council

SEC. 407. DIRECTOR AND STAFF; EXPERT AND CONSULTANTS.

(a) DIRECTOR.—The cochairpersons of the Council shall, without regard to the provisions of title 5, United States Code relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay for level III of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The cochairpersons may appoint personnel as they consider appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Council may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. The rate of pay of the staff of the Council shall not exceed the rate of basic pay for level V of the Executive Schedule.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of

that agency to the Council to assist the Council in its duties under this title.

SEC. 408. POWERS OF COUNCIL.

(a) **HEARINGS.**—The Council may, for the purpose of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, the Council considers appropriate. The Council may administer oaths or affirmations to witnesses appearing before it.

(b) **DELEGATION OF AUTHORITY.**—Any member or agent of the Council may, if authorized by the Council, take any action the Council is authorized to take by this section.

(c) **INFORMATION.**—The Council may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish the information to the Council to the extent permitted by law.

(d) **GIFTS AND DONATIONS.**—Subject to the regulations established under paragraph (2), the Council may accept, use, and dispose of gifts or donations of services or property.

(2) The Cochairpersons of the Council are authorized to establish regulations setting forth the criteria the Council shall use to determine whether the acceptance of gifts or donations of services under paragraph (1) would reflect unfavorably upon the ability of the Council or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a government program or any official involved in such program. Regulations.

(e) **MAILS.**—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) **SUPPORT SERVICES.**—The Secretary of Education shall provide to the Council, on a reimbursable basis, administrative support services as the Council may request.

SEC. 409. FEDERAL ADVISORY COMMITTEE ACT.

Sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.) are the only sections of such Act that shall apply with respect to the Council.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$1,000,000 to carry out this title which shall remain available until expended or until the termination of the Council, whichever occurs first.

SEC. 411. TERMINATION.

The Council will cease to exist 90 days after submitting its final report.

Approved June 27, 1991.

LEGISLATIVE HISTORY—S. 64 (H.R. 2435):

HOUSE REPORTS: Nos. 102-104 accompanying H.R. 2435 (Comm. on Education and Labor) and 102-110 (Comm. of Conference).

SENATE REPORTS: No. 102-26 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 17, considered and passed Senate.

June 10, H.R. 2435 considered and passed House; S. 64, amended, passed in lieu.

June 13, House agreed to conference report.

June 14, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

June 27, Presidential statement.

Public Law 102-63
102d Congress

Joint Resolution

To designate the month of June 1991, as "National Forest System Month".

June 28, 1991
[S.J. Res. 159]

- Whereas 1991 marks the one hundredth anniversary of the National Forest System with the establishment of the first forest reserve in 1891, the Yellowstone Park Timber Land Reserve;
- Whereas the establishment of this first forest reserve marked a fundamental change in United States conservation policy toward the administration of public lands;
- Whereas the purpose of the National Forest System is to conserve a portion of America's forests for the people of the United States, recognizing the important environmental and economic values in holding such public lands in trust and managing them for the greatest good;
- Whereas the National Forest System is one of the few examples in the world where a public effort is being made to manage natural resources in an economically efficient, environmentally sound, and socially responsible manner;
- Whereas the National Forest System has introduced new ideas for sound resource management, such as multiple use, sustained yield, and preservation of both wilderness areas and wild and scenic rivers; and
- Whereas the one hundred and ninety-one million acres of national forests, national grasslands, and experimental forests that now make up the National Forest System stretch from Alaska to the Commonwealth of Puerto Rico and from California to Maine: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of June 1991 is designated as "National Forest System Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate activities and programs.

Approved June 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 159:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 13, considered and passed Senate.
June 26, considered and passed House.

Public Law 102-64
102d Congress

An Act

June 28, 1991
[S. 909]

To amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

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 "Semiconductor International Protection Extension Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds that—

(1) section 914 of title 17, United States Code, which authorizes the Secretary of Commerce to issue orders extending interim protection under chapter 9 of title 17, United States Code, to mask works fixed in semiconductor chip products and originating in foreign countries that are making good faith efforts and reasonable progress toward providing protection, by treaty or legislation, to mask works of United States nationals, has resulted in substantial and positive legislative developments in foreign countries regarding protection of mask works;

(2) the Secretary of Commerce has determined that most of the industrialized countries of the world are eligible for orders affording interim protection under section 914 of title 17, United States Code;

(3) no multilateral treaty recognizing the protection of mask works has come into force, nor has the United States become bound by any multilateral agreement regarding such protection; and

(4) bilateral and multilateral relationships regarding the protection of mask works should be directed toward the international protection of mask works in an effective, consistent, and harmonious manner, and the existing bilateral authority of the Secretary of Commerce under chapter 9 of title 17, United States Code, should be extended to facilitate the continued development of protection for mask works.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to extend the period within which the Secretary of Commerce may grant interim protection orders under section 914 of title 17, United States Code, to continue the incentive for the bilateral and multilateral protection of mask works; and

(2) to clarify the Secretary's authority to issue such interim protection orders.

SEC. 3. AUTHORITY TO ISSUE PROTECTION ORDERS.

Section 914 of title 17, United States Code, is amended—

(1) in subsection (a)(1)(B) by inserting "or implementing" after "enacting"; and

Semiconductor
International
Protection
Extension Act
of 1991.
Copyrights.
17 USC 901 note.
17 USC 914 note.

(2) in subsection (e) by striking "July 1, 1991" and inserting "July 1, 1995".

SEC. 4. REPORT TO CONGRESS.

Section 914(f)(2) of title 17, United States Code, is amended in the last sentence by striking "July 1, 1990" and inserting "July 1, 1994".

Approved June 28, 1991.

LEGISLATIVE HISTORY—S. 909 (H.R. 1998):

HOUSE REPORTS: No. 102-122 accompanying H.R. 1998 (Comm. on the Judiciary).

SENATE REPORTS: No. 102-78 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 12, considered and passed Senate.

June 25, H.R. 1998 considered and passed House; S. 909 passed in lieu.

Public Law 102-65
102d Congress

An Act

July 2, 1991
[H.R. 2332]

To amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 4-MONTH EXTENSION OF APPLICATION DEADLINE FOR SPECIAL TEMPORARY PROTECTED STATUS FOR SALVADORANS.

8 USC 1254a
note.

Section 303(b)(1)(C) of the Immigration Act of 1990 is amended by striking "June 30, 1991" and inserting "October 31, 1991".

Approved July 2, 1991.

LEGISLATIVE HISTORY—H.R. 2332:

HOUSE REPORTS: No. 102-123 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 25, considered and passed House.
June 28, considered and passed Senate.

Public Law 102-66
102d Congress

Joint Resolution

Designating July 2, 1991, as "National Literacy Day".

July 2, 1991
[H.J. Res. 259]

- Whereas literacy is a necessary tool for survival in our society;
- Whereas forty-two million Americans today read at a level which is less than necessary for full survival needs;
- Whereas there are thirty million adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;
- Whereas illiteracy is growing rapidly, as two million three hundred thousand persons, including one million two hundred thousand legal and illegal immigrants, one million high school dropouts, and one hundred thousand refugees, are added to the pool of illiterates annually;
- Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at \$225,000,000,000;
- Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;
- Whereas there is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;
- Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased economic and social discrimination against these minorities;
- Whereas the prison population represents the single highest concentration of adult illiteracy;
- Whereas one million children in the United States between the ages of twelve and seventeen cannot read above a third grade level, 13 per centum of all seventeen-year-olds are functionally illiterate, and 15 per centum of graduates of urban high schools read at less than a sixth grade level;
- Whereas 85 per centum of the juveniles who appear in criminal court are functionally illiterate;
- Whereas the 47 per centum illiteracy rate among black youths is expected to increase;
- Whereas one-half of all heads of households cannot read past the eighth grade level and one-third of all mothers on welfare are functionally illiterate;
- Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;
- Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 per centum of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1991, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved July 2, 1991.

LEGISLATIVE HISTORY—H.J. Res. 259:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed House.
June 27, considered and passed Senate.

Public Law 102-67
102d Congress

An Act

To authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia.

July 9, 1991
[H.R. 749]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCEPTANCE AND ADMINISTRATION OF LAND.

16 USC 431 note.

(a) **ACCEPTANCE OF LAND.**—The Secretary of the Interior may accept the donation of all right, title, and interest in and to the land described in section 2 from the owners of that land.

(b) **ADMINISTRATION OF LAND.**—The land acquired by the United States under this section shall be added to, and administered as part of, the Ocmulgee National Monument.

SEC. 2. DESCRIPTION OF LAND.

16 USC 431 note.

The land referred to in section 1 is the approximately 18.6 acre parcel of land known as Drake Field and located adjacent to the Ocmulgee National Monument in the City of Macon, Georgia.

Approved July 9, 1991.

LEGISLATIVE HISTORY—H.R. 749:

HOUSE REPORTS: No. 102-35 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 102-89 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 24, considered and passed House.

June 25, considered and passed Senate.

Public Law 102-68
102d Congress

Joint Resolution

July 9, 1991

[H.J. Res. 72]

To designate December 7, 1991, as "National Pearl Harbor Remembrance Day".

Whereas, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the United States Armed Forces stationed at Pearl Harbor, Hawaii;

Whereas more than 2,000 citizens of the United States were killed, and more than 1,000 citizens of the United States were wounded, in the attack on Pearl Harbor;

Whereas the attack on Pearl Harbor marked the entry of the United States into World War II;

Whereas December 7, 1991, is the 50th anniversary of the attack on Pearl Harbor;

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1991, in remembrance of the attack on Pearl Harbor; and

Whereas commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the United States Armed Forces during World War II: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1991, is designated as "National Pearl Harbor Remembrance Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Approved July 9, 1991.

LEGISLATIVE HISTORY—H.J. Res. 72:

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 29, considered and passed House.

June 26, considered and passed Senate.

Public Law 102-69
102d Congress

Joint Resolution

Designating the week beginning July 21, 1991, as "Lyme Disease Awareness Week".

July 10, 1991
[H.J. Res. 138]

Whereas Lyme disease (borreliosis) is spread primarily by the bite of four types of ticks infected with the bacteria *Borrelia burgdorferi*;
Whereas Lyme disease-carrying ticks can be found across the country—in woods, mountains, beaches, even in our yards, and no effective tick control measures currently exist;

Whereas infected ticks can be carried by animals such as cats, dogs, horses, cows, goats, birds, and transferred to humans;

Whereas our pets and livestock can be infected with Lyme disease by ticks;

Whereas Lyme disease was first discovered in Europe in 1883 and scientists have recently proven its presence on Long Island as early as the 1940's;

Whereas Lyme disease was first found in Wisconsin in 1969, and derives its name from the diagnosis of a cluster of cases in the mid-1970's in Lyme, Connecticut;

Whereas forty-six States reported twenty-two thousand five hundred and thirty-eight cases of Lyme disease from 1982 through 1989;

Whereas Lyme disease knows no season—the peak west coast and southern season is November to June, the peak east coast and northern season is April to October, and victims suffer all year round;

Whereas Lyme disease, easily treated soon after the bite with oral antibiotics, can be difficult to treat (by painful intravenous injections) if not discovered in time, and for some may be incurable;

Whereas Lyme disease is difficult to diagnose because there is no reliable test that can directly detect when the infection is present;

Whereas the early symptoms of Lyme disease may include rashes, severe headaches, fever, fatigue, and swollen glands;

Whereas if left untreated Lyme disease can affect every body system causing severe damage to the heart, brain, eyes, joints, lungs, liver, spleen, blood vessels, and kidneys;

Whereas the bacteria can cross the placenta and affect fetal development;

Whereas our children are the most vulnerable and most widely affected group;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness;

Whereas education is essential to making the general public, health care professionals, employers, and insurers more knowledgeable about Lyme disease and its debilitating side effects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 21, 1991, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved July 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 138:

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 29, considered and passed House.

June 26, considered and passed Senate.

Public Law 102-70
102d Congress

Joint Resolution

Designating March 1991 and March 1992 both as "Women's History Month".

July 10, 1991
[H.J. Res. 149]

Whereas American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home;

Whereas American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation;

Whereas American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

Whereas American women have been leaders not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1991 and March 1992 are designated both as "Women's History Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

Approved July 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 149:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Mar. 20, considered and passed House.
June 26, considered and passed Senate.

Public Law 102-71
102d Congress

An Act

July 10, 1991

[S. 674]

To designate the building in Monterey, Tennessee, which houses the primary operations of the United States Postal Service as the "J.E. (Eddie) Russell Post Office Building", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The building in Monterey, Tennessee, which houses the primary operations of the United States Postal Service (as determined by the Postmaster General) shall be known and designated as the "J.E. (Eddie) Russell Post Office Building", and any reference in a law, map, regulation, document, paper, or other record of the United States to such building shall be deemed to be a reference to the J.E. (Eddie) Russell Post Office Building.

SEC. 2. TECHNICAL CORRECTIONS.

Title 39, United States Code, is amended—

(1) in section 3001, by redesignating the 2 subsections immediately following the first subsection (i) as subsections (j) and (k), respectively; and

(2) in section 3005(a), by striking "section 3001 (d), (f), or (g)" each place it appears and inserting "3001 (d), (h), or (i)".

Approved July 10, 1991.

LEGISLATIVE HISTORY—S. 674:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 14, considered and passed Senate.

June 24, considered and passed House, amended.

July 26, Senate concurred in House amendments.

Public Law 102-72
102d Congress

Joint Resolution

Designating the week beginning July 21, 1991, as the "Korean War Veterans Remembrance Week".

July 23, 1991
[H.J. Res. 255]

Whereas July 27, 1991, is the 38th anniversary of the cease-fire agreement which ended the active combat of the Korean War; Whereas in June 1950, prompt action by the United States to add its armed forces to those of the Republic of Korea helped to counter an invasion by North Korea of the Republic of Korea;

Whereas in addition to the United States and the Republic of Korea, 20 other nations provided military contingents to serve under the United Nations banner, marking the first time in history that countries under United Nations command repelled a flagrant attack in order to preserve the liberty of another country;

Whereas after 3 years of active hostilities, the territorial integrity of the Republic of Korea was restored and the freedom and independence of its people assured;

Whereas over 5,700,000 American servicemen and servicewomen were directly or indirectly involved in the Korean War;

Whereas American casualties during the Korean War were 54,246 dead (of which 33,629 were battle deaths), 103,284 wounded, 8,177 listed as missing in action or prisoners of war (of which 329 prisoners of war are still unaccounted for);

Whereas although the Korean War has become known as "The Forgotten War", the United States should never forget the ultimate sacrifice made by those who fought and died in Korea for the noble and just cause of freedom;

Whereas the establishment of a Korean War Veterans Memorial in the Nation's Capital has been authorized to recognize and honor the service and the sacrifice of those who participated in the Korean War (Public Law 99-572);

Whereas the Secretary of the Treasury is required to mint a silver dollar coin in commemoration of the 38th anniversary of the end of the Korean War and in honor of those who served (section 5112 note of title 31, United States Code);

Whereas increasing numbers of veterans of the Korean War are setting aside July 27, the anniversary date of the cease-fire which ended the active combat of that war, as a special day to remember those with whom they served and to honor those who made the supreme sacrifice in a war to preserve the ideals of freedom and independence for a people they had never known; and

Whereas on this significant anniversary of the cease-fire which began the longest military armistice in modern history, it is right and appropriate to recognize, honor, and remember the service and sacrifice of those who endured the rigors of combat and the extremes of a hostile climate under the most trying conditions and still prevailed to preserve the independence of a free nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 21, 1991, is designated as the "Korean War Veterans Remembrance Week", and the President is authorized and requested—

(1) to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, and

(2) to urge the Executive departments and agencies, interested organizations, groups, and individuals to fly the flag of the United States at half-staff on July 27, 1991, in honor of those Americans who died as a result of their service in Korea.

Approved July 23, 1991.

LEGISLATIVE HISTORY—H.J. Res. 255:

CONGRESSIONAL RECORD, Vol. 137 (1991):

July 16, considered and passed House.

July 17, considered and passed Senate.

Public Law 102-73
102d Congress

An Act

To enhance the literacy and basic skills of adults, to ensure that all adults in the United States acquire the basic skills necessary to function effectively and achieve the greatest possible opportunity in their work and in their lives, and to strengthen and coordinate adult literacy programs.

July 25, 1991

[H.R. 751]

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 "National Literacy Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

- (1) nearly 30,000,000 adults in the United States have serious problems with literacy;
- (2) literacy problems are intergenerational and closely associated with poverty and pose a major threat to the economic well-being of the United States;
- (3) present public and private literacy programs reach only a small portion of the population in need and often result in only minimal learning gains;
- (4) the prevention of illiteracy is essential to stem further growth in national illiteracy rates;
- (5) literacy programs generally lack adequate funding, adequate coordination with other literacy programs, and an adequate investment in teacher training and technology;
- (6) access to better information about the best practices in the literacy field and more research in order to provide better diagnostic and instructional tools are essential for the improvement of literacy and employability in the United States;
- (7) as many as 50,000,000 workers may have to be trained or retrained before the year 2000;
- (8) the supply of unskilled workers is increasing while the demand for unskilled labor is decreasing;
- (9) programs under the Adult Education Act, which are the largest Federal source of direct literacy services in the United States, serve only 10 percent of eligible participants; and
- (10) all public and private literacy programs serve only about 19 percent of those who need help.

SEC. 3. DEFINITION.

For purposes of this Act the term "literacy" means an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and develop one's knowledge and potential.

National
Literacy Act
of 1991.

Education.
20 USC 1201
note.
20 USC 1201
note.

20 USC 1201
note.

TITLE I—LITERACY: STRATEGIC PLAN- NING, RESEARCH, AND COORDINATION

SEC. 101. LITERACY RELATED PROGRAMS IN THE DEPARTMENT OF EDUCATION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended by adding at the end the following:

“(h) The Assistant Secretary for Vocational and Adult Education, in addition to performing such functions as the Secretary may prescribe, shall have responsibility for coordination of all literacy related programs and policy initiatives in the Department. The Assistant Secretary for Vocational and Adult Education shall assist in coordinating the related activities and programs of other Federal departments and agencies.”.

SEC. 102. NATIONAL INSTITUTE FOR LITERACY.

(a) **PURPOSE.**—It is the purpose of the amendment made by this section to enhance the national effort to eliminate the problem of illiteracy by the year 2000 by improving research, development and information dissemination through a national research center.

(b) **FINDINGS.**—The Congress finds that—

(1) much too little is known about how to improve access to, and enhance the effectiveness of, adult literacy programs, assessment tools, and evaluation efforts;

(2) there is neither a reliable nor a central source of information about the knowledge base in the area of literacy;

(3) a national institute for literacy would—

(A) provide a national focal point for research, technical assistance and research dissemination, policy analysis, and program evaluation in the area of literacy; and

(B) facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

(c) **AMENDMENT TO THE ADULT EDUCATION ACT.**—Section 384 of the Adult Education Act (20 U.S.C. 1213c) is amended—

(1) in the second sentence of subsection (a), by inserting after “shall include” the following: “the operation of the Institute established by subsection (c) and”; and

(2) by adding at the end the following:

“(c) **ESTABLISHMENT.**—(1) There is established the National Institute for Literacy (in this section referred to as the ‘Institute’). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the ‘Interagency Group’). The head of any other agency designated by the President may be involved in the operation of the Institute as fits the involvement of such agency in accomplishing the purposes of the Institute. The Secretary may include in the Institute any research and development center supported under section 405(d)(4)(A)(ii) of the General Education Provisions Act and any other center, institute, or clearinghouse established within the Department of Education whose purpose is determined by the Secretary to be related to the purpose of the Institute.

“(2) The Institute shall have offices separate from the offices of any agency or department involved in the operation of the Institute.

20 USC 1213c
note.

20 USC 1213c
note.

“(3) The Interagency Group shall consider the Board’s recommendations in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director. If the Board’s recommendations are not followed, the Interagency Group shall provide a written explanation to the Board concerning actions the Interagency Group has taken that includes the Interagency Group’s reasons for not following the Board’s recommendations with respect to such actions. The Board may also request a meeting with the Interagency Group to discuss the Board’s recommendations.

“(d) DUTIES.—(1) The Institute is authorized, in order to improve and expand the system for delivery of literacy services, to—

“(A) assist appropriate Federal agencies in setting specific objectives and strategies for meeting the goals of this title and in measuring the progress of such agencies in meeting such goals;

“(B) conduct basic and applied research and demonstrations on literacy, including—

“(i) how adults learn to read and write and acquire other skills;

“(ii) how the literacy skills of parents affect the ability of children to learn literacy skills;

“(iii) the assessment of literacy skills and the development of instructional techniques;

“(iv) the best methods for assisting adults and families to acquire literacy skills, including the use of technology;

“(v) the special literacy needs of individuals with learning disabilities and individuals with limited English proficiency;

“(vi) how to effectively reach and teach the most educationally disadvantaged individuals;

“(vii) the use of technology and other studies which will increase the literacy knowledge base, use but not duplicate the work of other research services, and build on the efforts of such other research services; and

“(viii) how to attract, train, and retrain professional and volunteer teachers of literacy;

“(C) assist Federal, State, and local agencies in the development, implementation, and evaluation of policy with respect to literacy by—

“(i) establishing a national data base with respect to—

“(I) literacy and basic skills programs, including programs in Federal departments, State agencies, and local agencies, and programs that are privately supported through nonprofit entities and for profit entities;

“(II) assessment tools and outcome measures;

“(III) the amount and quality of basic education provided in the workplace by businesses and industries; and

“(IV) progress made toward the national literacy goals; and

“(ii) providing technical and policy assistance to government entities for the improvement of policy and programs relating to literacy and the development of model systems for implementing and coordinating Federal literacy programs that can be replicated at the State and local level;

“(D) provide program assistance, training, and technical assistance for literacy programs throughout the United States in order to improve the effectiveness of such programs and to increase the number of such programs, which assistance and training shall—

“(i) be based on the best available research and knowledge; and

“(ii) be coordinated with activities conducted by—

“(I) regional educational laboratories supported under section 405(d)(4)(A)(i) of the General Education Provisions Act;

“(II) curriculum centers assisted under section 251(a)(8) of the Carl D. Perkins Vocational and Applied Technology Education Act; and

“(III) other educational and training entities that provide relevant technical assistance;

“(E) collect and disseminate information to Federal, State, and local entities with respect to literacy methods that show great promise (including effective methods of assessment, effective literacy programs, and other information obtained through research or practice relating to adult and family learning that would increase the capacity and quality of literacy programs in the United States), using a variety of methods to ensure that the best information is received by State and local providers of literacy services;

“(F) review and make recommendations regarding—

“(i) ways to achieve uniformity among reporting requirements;

“(ii) the development of performance measures; and

“(iii) the development of standards for program effectiveness of literacy-related Federal programs; and

“(G) provide a toll-free long-distance telephone line for literacy providers and volunteers.

“(2) The Institute may enter into contracts or cooperative agreements with, or make grants to, individuals, public or private non-profit institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

“(e) LITERACY LEADERSHIP.—(1) The Institute is, in consultation with the Board, authorized to award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

“(2) Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

“(3) Individuals receiving fellowships pursuant to this subsection shall be known as ‘Literacy Leader Fellows’.

“(f) NATIONAL INSTITUTE BOARD.—(1)(A) There is established the National Institute Board (in this section referred to as the ‘Board’). The Board shall consist of 10 individuals appointed by the President with the advice and consent of the Senate from individuals who—

Establishment.

“(i) are not otherwise officers or employees of the Federal Government;

“(ii) are representative of entities or groups described in subparagraph (B); and

“(iii) are chosen from recommendations made to the President by individuals who represent such entities or groups.

“(B) Entities or groups described in this subparagraph are—

“(i) literacy organizations and providers of literacy services, including—

“(I) providers of literacy services receiving assistance under this Act; and

“(II) nonprofit providers of literacy services;

“(ii) businesses that have demonstrated interest in literacy programs;

“(iii) literacy students;

“(iv) experts in the area of literacy research;

“(v) State and local governments; and

“(vi) organized labor.

“(2) The Board shall—

“(A) make recommendations concerning the appointment of the Director and staff of the Institute;

“(B) provide independent advice on the operation of the Institute; and

“(C) receive reports from the Interagency Group and the Director.

“(3) The Interagency Group may carry out the duties of the Board until the expiration of the 180-day period beginning on the date of the enactment of the National Literacy Act of 1991.

“(4) Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act.

“(5)(A) Each member of the Board shall be appointed for a term of 3 years. Any such member may be appointed for not more than 2 consecutive terms.

“(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that members' term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

“(6) A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation may be passed only by a majority of its members present.

“(7) The Chairperson and Vice Chairperson of the Board shall be elected by the members. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

“(8) The Board shall meet at the call of the Chairperson or a majority of its members.

“(g) GIFTS, BEQUESTS, AND DEVISES.—The Institute and the Board may accept (but not solicit), use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Institute or the Board, respectively. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Institute or the Board, respectively.

“(h) **MAILS.**—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

“(i) **STAFF.**—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

“(j) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

“(k) **EXPERTS AND CONSULTANTS.**—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(l) **REPORT.**—The Institute shall submit a report to the Congress in each of the first 2 years in which it receives assistance under this section, and shall submit a report biennially thereafter. Each report submitted under this subsection shall include—

“(1) a comprehensive and detailed description of the Institute’s operations, activities, financial condition, and accomplishments in the field of literacy for such fiscal year;

“(2) a description of how plans for the operation of the Institute for the succeeding fiscal year will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

“(3) any additional minority, or dissenting views submitted by members of the Board.

“(m) **NONDUPLICATION.**—The Institute shall not duplicate any functions carried out by the Secretary pursuant to subsection (a) or (b). This subsection shall not be construed to prohibit the Secretary from delegating such functions to the Institute.

“(n) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There are authorized to be appropriated for purposes of operating the Institute established by subsection (c) \$15,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

“(2) Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.”

SEC. 103. STATE LITERACY RESOURCE CENTERS.

Part B of the Adult Education Act (20 U.S.C. 1203 et seq.) is amended—

- (1) by redesignating subpart 7 as subpart 8; and
- (2) by inserting after subpart 6 the following:

“Subpart 7—State Literacy Resource Centers**“SEC. 356. STATE LITERACY RESOURCE CENTERS.**

20 USC 1208aa.

Grants.

“(a) **PURPOSE.**—It is the purpose of this section to assist State and local public and private nonprofit efforts to eliminate illiteracy through a program of State literacy resource center grants to—

“(1) stimulate the coordination of literacy services,

“(2) enhance the capacity of State and local organizations to provide literacy services, and

“(3) serve as a reciprocal link between the National Institute for Literacy and service providers for the purpose of sharing information, data, research, and expertise and literacy resources.

“(b) **ESTABLISHMENT.**—From amounts appropriated pursuant to subsection (k), the Secretary is authorized to make grants for purposes of establishing a network of State or regional adult literacy resource centers.

“(c) **ALLOTMENT.**—(1) From sums available for purposes of making grants under this section for any fiscal year, the Secretary shall allot to each State having an approved application under subsection (h) an amount that bears the same ratio to such sums as the amount allotted to such State under section 313(b) for the purpose of making grants under section 321 bears to the aggregate amount allotted to all States under such section for such purpose.

“(2) The chief executive officer of each State that receives its allotment under this section shall contract on a competitive basis with the State educational agency, 1 or more local educational agencies, a State office on literacy, a volunteer organization, a community-based organization, institution of higher education, or other nonprofit entity to operate a State literacy resource center. No applicant participating in a competition pursuant to the preceding sentence shall participate in the review of its own application.

“(d) **USE OF FUNDS.**—Funds provided to each State under subsection (c)(1) to carry out this section shall be used to conduct activities to—

“(1) improve and promote the diffusion and adoption of state-of-the-art teaching methods, technologies and program evaluations;

“(2) develop innovative approaches to the coordination of literacy services within and among States and with the Federal Government;

“(3) assist public and private agencies in coordinating the delivery of literacy services;

“(4) encourage government and industry partnerships, including partnerships with small businesses, private nonprofit organizations, and community-based organizations;

“(5) encourage innovation and experimentation in literacy activities that will enhance the delivery of literacy services and address emerging problems;

“(6) provide technical and policy assistance to State and local governments and service providers to improve literacy policy and programs and access to such programs;

“(7) provide training and technical assistance to literacy instructors in reading instruction and in—

“(A) selecting and making the most effective use of state-of-the-art methodologies, instructional materials, and technologies such as—

“(i) computer assisted instruction;

“(ii) video tapes;

“(iii) interactive systems; and

“(iv) data link systems; or

“(B) assessing learning style, screening for learning disabilities, and providing individualized remedial reading instruction; or

“(8) encourage and facilitate the training of full-time professional adult educators.

“(e) ALTERNATIVE USES OF EQUIPMENT.—Equipment purchases pursuant to this section, when not being used to carry out the provisions of this section, may be used for other instructional purposes if—

“(1) the acquisition of the equipment was reasonable and necessary for the purpose of conducting a properly designed project or activity under this section;

“(2) the equipment is used after regular program hours or on weekends; and

“(3) such other use is—

“(A) incidental to the use of the equipment under this section;

“(B) does not interfere with the use of the equipment under this section; and

“(C) does not add to the cost of using the equipment under this section.

“(f) LIMITATION.—Not more than 10 percent of amounts received under any grant received under this section shall be used to purchase computer hardware or software.

“(g) SPECIAL RULE.—(1) Each State receiving funds pursuant to this section may not use more than 5 percent of such funds to establish a State advisory council on adult education and literacy (in this section referred to as the ‘State council’) pursuant to section 332.

“(2) Each State receiving funds pursuant to this section may use such funds to support an established State council to the extent that such State council meets the requirements of section 332.

“(3) Each State receiving funds pursuant to this paragraph to establish or support a State council pursuant to section 332 shall provide matching funds on a dollar-for-dollar basis.

“(h) APPLICATIONS.—Each State or group of States, as appropriate, that desires to receive a grant under this section for a regional adult literacy resource center, a State adult literacy resource center, or both shall submit to the Secretary an application that has been reviewed and commented on by the State council, where appropriate, and that describes how the State or group of States will—

“(1) develop a literacy resource center or expand an existing literacy resource center;

“(2) provide services and activities with the assistance provided under this section;

“(3) assure access to services of the center for the maximum participation of all public and private programs and organizations providing or seeking to provide basic skills instruction, including local educational agencies, agencies responsible for corrections education, service delivery areas under the Job

Training Partnership Act, welfare agencies, labor organizations, businesses, volunteer groups, and community-based organizations;

“(4) address the measurable goals for improving literacy levels as set forth in the plan submitted pursuant to section 342; and

“(5) develop procedures for the coordination of literacy activities for statewide and local literacy efforts conducted by public and private organizations, and for enhancing the systems of service delivery.

“(i) **PAYMENTS; FEDERAL SHARE.**—(1) The Secretary shall pay to each State having an application approved pursuant to subsection (h) the Federal share of the cost of the activities described in the application.

“(2) The Federal share—

“(A) for each of the first 2 fiscal years in which the State receives funds under this section shall not exceed 80 percent;

“(B) for each of the third and fourth fiscal years in which the State receives funds under this section shall not exceed 70 percent; and

“(C) for the fifth and each succeeding fiscal year in which the State receives funds under this section shall not exceed 60 percent.

“(3) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

“(j) **REGIONAL CENTERS.**—(1) A group of States may enter into an interstate agreement to develop and operate a regional adult literacy resource center for purposes of receiving assistance under this section if the States determine that a regional approach is more appropriate for their situation.

“(2) Any State that receives assistance under this section as part of a regional center shall only be required to provide under subsection (i) 50 percent of the funds such State would otherwise be required to provide under such subsection.

“(3) In any fiscal year in which the amount a State will receive under this section is less than \$100,000, the Secretary may designate the State to receive assistance under this section only as part of a regional center.

“(4) The provisions of paragraph (3) shall not apply to any State that can demonstrate to the Secretary that the total amount of Federal, State, local and private funds expended to carry out the purposes of this section would equal or exceed \$100,000.

“(5) In any fiscal year in which paragraph (2) applies, the Secretary may allow certain States that receive assistance as part of a regional center to reserve a portion of such assistance for a State adult literacy resource center pursuant to this section.

“(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out the provisions of this section \$25,000,000 for each of the fiscal years 1992 and 1993, and such sums as may be necessary for each of the fiscal years 1994 and 1995.”

Business and
industry.

TITLE II—WORKFORCE LITERACY

20 USC 1211-1. SEC. 201. NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.

(a) **ESTABLISHMENT.**—There is established in the Department of Labor a National Workforce Literacy Assistance Collaborative (in this subsection referred to as the “Collaborative”) to improve the basic skills of individuals, especially those individuals who are marginally employed or unemployed with low basic skills and limited opportunity for long-term employment and advancement, by assisting small- and medium-sized businesses, business associations that represent small- and medium-sized businesses, and labor organizations to develop and implement literacy programs tailored to the needs of the workforce.

(b) **FUNCTIONS.**—The Collaborative shall—

(1) develop and implement a plan for providing small- and medium-sized businesses with the technical assistance required to address the literacy needs of their workforce;

(2) monitor the development of workforce literacy training programs and identify best practices and successful small- and medium-sized business program models;

(3) inform businesses and unions of research findings and best practices regarding exemplary curricula, instructional techniques, training models, and the use of technology as a training tool in the workplace;

(4) provide technical assistance to help businesses assess individual worker literacy skill needs, implement workforce literacy training programs, and evaluate training program effectiveness;

(5) promote cooperation and coordination among State and local agencies and the private sector to obtain maximum uses of existing literacy and basic skills training resources;

(6) conduct regional and State small business workforce literacy meetings to increase program effectiveness and accountability;

(7) establish cooperative arrangements with the National Institute for Literacy and other centers involved in literacy and basic skills research and development activities; and

(8) prepare and produce written and video materials necessary to support technical assistance and information dissemination efforts.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for purposes of carrying out this section \$5,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

SEC. 202. GRANTS FOR NATIONAL WORKFORCE LITERACY STRATEGIES.

Section 371 of the Adult Education Act (20 U.S.C. 1211) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting after “Secretary” the following: “, in consultation with the Secretary of Labor and the Administrator of the Small Business Administration,”;

(B) in subparagraph (B) of paragraph (2)—

(i) by striking “and” and inserting a comma; and

(ii) by inserting after "local educational agencies" the following: ", and other entities described in paragraph (1) that receive grants under this subsection"; and

(C) by adding at the end the following:

"(5) In awarding grants under this section, the Secretary shall give priority to applications from partnerships that include small businesses. Small business.

"(6) The Secretary is authorized to award grants under this section for a period not to exceed 3 years.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "subsection (c)" and inserting "subsection (e)";

(B) in subparagraph (B) of paragraph (2)—

(i) by striking "and" the first place it appears and inserting a comma; and

(ii) by inserting after "local educational agencies" the following: ", and other entities described in paragraph (1) that receive grants under this subsection"; and

(C) in paragraph (7), by amending subparagraph (B) to read as follows:

"(B) From the sum appropriated for each fiscal year under subsection (c) for any fiscal year in which appropriations equal or exceed \$50,000,000, the Secretary shall allot to each State (as defined in section 312(7)) an amount proportionate to the amount such State receives under section 313.";

(3) by redesignating subsection (c) as subsection (e);

(4) by inserting after subsection (b) the following:

"(c) GRANT FOR NATIONAL WORKFORCE LITERACY STRATEGIES.—(1) In any fiscal year in which amounts appropriated pursuant to the authorization contained in subsection (e) equal or exceed \$25,000,000, the Secretary shall reserve not more than \$5,000,000 to establish a program of grants to facilitate the design and implementation of national strategies to assist unions, unions in collaboration with programs eligible for assistance under this Act and businesses, and small- and medium-sized businesses to effectively provide literacy and basic skills training to workers.

"(2) Grants awarded under this subsection shall pay the Federal share of the cost of programs to establish large-scale national strategies in workforce literacy, which may include the following activities:

"(A) Basic skills training that is—

"(i) cost-effective;

"(ii) needed by employees; and

"(iii) required by employers to establish a trainable workforce that can take advantage of further job specific training and advance the productivity of the labor force on an individual, industry, or national level.

"(B) Specific program offerings, which may include—

"(i) English as a second language instruction;

"(ii) communications skill building;

"(iii) interpersonal skill building;

"(iv) reading and writing skill building; and

"(v) computation and problem solving.

"(C) Appropriate assessments of the literacy and basic skills needs of individual workers and the skill levels required by business.

“(D) Cooperative arrangements with other organizations involved in providing literacy and basic skills training, including adult education organizations, vocational education organizations, community and junior colleges, community-based organizations, State level agencies, and private industry councils.

“(E) The establishment as appropriate of technology-based learning environments, such as computer-based learning centers.

“(3) Any partnership described in subsection (a)(1) that desires to receive a grant under this subsection shall submit a proposal to the Secretary. The proposal shall contain a plan specifying a strategy for designing and implementing workforce literacy and basic skills training for workers, and justifying the national, statewide, or industry-wide importance of this strategy. The proposal shall include—

“(A) a demonstration of need for literacy and basic skills training;

“(B) a description of the business or industry for which the strategy is to be established;

“(C) a statement of specific, measurable goals and participant outcomes;

“(D) a strategy for achieving the goals, including a description of the process to identify literacy and basic skills required by employers and the skills of individual workers, and a description of the specific services to be provided; and

“(E) a description of the costs of the activities to be undertaken.

“(4) The Secretary shall develop a formal process for the submission of proposals and publish an announcement in the Federal Register with respect to that process and the availability of grants under this subsection.

“(5) The Federal share of the cost of a program assisted under this subsection shall not exceed 70 percent.

“(6) The Secretary shall give priority for grants under this subsection to proposals to carry out activities described in paragraph (2)(D).

“(7) In awarding grants under this subsection, the Secretary may consider geographic factors, such as rural and urban areas and national distribution.

“(8) Of the grants awarded under this subsection each year, not less than 5 shall each be for an amount that is not less than \$500,000.

“(d) EVALUATION.—The Secretary shall reserve not more than 2 percent of any amount appropriated pursuant to the authorization contained in subsection (e) for the purpose of carrying out an independent evaluation of the effectiveness of programs assisted under this section in improving the literacy and basic skills of workers and the productivity of employees, including potential for the replicability or adaption of such programs.”; and

(5) in subsection (e) (as redesignated by paragraph (3)) by striking paragraph (1) and inserting the following:

“(1) There are authorized to be appropriated for purposes of carrying out this section such sums as may be necessary for the fiscal year 1991, \$60,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.”.

Federal
Register,
publication.

Appropriation
authorization.

TITLE III—INVESTMENT IN LITERACY**SEC. 301. AMENDMENTS TO THE ADULT EDUCATION ACT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 313 of the Adult Education Act (20 U.S.C. 1201b) is amended in subsection (a) by striking “\$200,000,000” and all that follows through “1993” and inserting the following: “such sums as may be necessary for the fiscal year 1991, \$260,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995”.

(b) **USE OF FUNDS.**—Subsection (a) of section 322 of the Adult Education Act (20 U.S.C. 1203b(a)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) Grants to States under this subpart shall be used in accordance with State plans (and amendments thereto) approved under sections 341 and 351, to pay the Federal share of the cost of the establishment or expansion of adult education programs to be carried out by local educational agencies, correctional education agencies, community-based organizations, public or private nonprofit agencies, postsecondary educational institutions, and other institutions that have the ability to provide literacy services to adults and families. Each State educational agency receiving financial assistance under this subpart shall provide assurance that local educational agencies, public or private nonprofit agencies, community-based organizations, correctional education agencies, postsecondary educational institutions, and institutions which serve educationally disadvantaged adults will be provided direct and equitable access to all Federal funds provided under this subpart. Failure to provide the assurance required by the preceding sentence shall disqualify a State from receiving its allotment under this title. In determining which programs shall receive assistance under this paragraph, the State shall consider—

“(A) the past effectiveness of applicants in providing services (especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults);

“(B) the degree to which the applicant will coordinate and utilize other literacy and social services available in the community; and

“(C) the commitment of the applicant to serve individuals in the community that are most in need of literacy services.”;

(2) in paragraph (3)—

(A) by striking the first sentence;

(B) by inserting after “sources;” the following: “the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement and how the applicant will measure and report progress in meeting its goals;”;

(C) by striking “the Carl D. Perkins Vocational Education Act” and inserting “the Carl D. Perkins Vocational and Applied Technology Education Act”; and

(D) by striking “the Education of the Handicapped Act” and inserting “the Individuals with Disabilities Education Act”;

20 USC 1203a.

Grants.

(3) in paragraph (4)—

(A) by striking “(A)”;

(B) by inserting after “adults” the following: “, particularly in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent”; and

(C) by striking subparagraph (B);

(4) by redesignating paragraphs (3) and (4) (as amended by paragraphs (2) and (3) of this subsection) as paragraphs (4) and (5), respectively; and

(5) by inserting after paragraph (2) the following:

“(3)(A) Grants to States provided under this section shall also be used for competitive 2-year grants to public housing authorities for literacy programs and related activities. Any public housing authority that receives a grant under this subparagraph shall consult with local adult education providers in conducting programs and activities with assistance provided under the grant. Any grant provided under this subparagraph shall be referred to as a ‘Gateway Grant’.

“(B) The Secretary shall, not less often than every 2 years, evaluate any grants made under this paragraph and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.”

(c) STATE ADMINISTRATION.—Section 331(a) of the Adult Education Act (20 U.S.C. 1205(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) within 2 years of the enactment of the National Literacy Act of 1991, the development and implementation, in consultation with a widely representative group of appropriate experts, educators, and administrators, of indicators of program quality to be used to evaluate programs assisted under this title, as required by section 352, to determine whether such programs are effective, including whether such programs are successfully recruiting, retaining, and improving the literacy skills of the individuals served in such programs;”.

(d) STATE ADVISORY COUNCIL.—(1) The heading for section 332 of the Adult Education Act is amended to read as follows:

“SEC. 332. STATE ADVISORY COUNCIL ON ADULT EDUCATION AND LITERACY.”

(2) Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

(A) in the first sentence of subsection (a)(1), by striking “adult education, appointed by the Governor” and inserting “adult education and literacy, appointed by, and responsible to, the Governor”;

(B) in the second sentence of subsection (a)(1)—

(i) by inserting “and literacy” after “adult education”; and

(ii) by striking “consist” and all that follows through the period at the end and inserting the following: “consist of—

“(i) representatives of public education;

“(ii) representatives of public and private sector employment;

Reports.

“(iii) representatives of recognized State labor organizations;

“(iv) representatives of private literacy organizations, voluntary literacy organizations, and community-based literacy organizations;

“(v) the chief administrative officer of a State, or the designee of such officer;

“(vi) representatives of—

“(I) the State educational agency;

“(II) the State job training agency;

“(III) the State human services agency;

“(IV) the State public assistance agency;

“(V) the State library program; and

“(VI) the State economic development agency;

“(vii) officers of the State government whose agencies provide funding for literacy services or who may be designated by the Governor or the Chairperson of the council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the council; and

“(viii) classroom teachers who have demonstrated outstanding results in teaching children or adults to read.”;

(C) by amending subsection (d) to read as follows:

“(d) PROCEDURES.—(1) Subject to paragraphs (2) and (3), the State advisory council shall determine its own procedures, staffing needs (subject to funding levels authorized by the chief executive officer of the State), and the number, time, place, and conduct of meetings.

“(2) The State advisory council shall meet at least 4 times each year. At least 1 such meeting shall provide an opportunity for the general public to express views concerning adult education in the State.

“(3) One member more than one-half of the members on the council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the chief executive officer of the State, but a lesser number of members may constitute a quorum for other purposes.”;

(D) in subsection (f)—

(i) by amending paragraph (1) to read as follows:

“(1) meet with the State agencies responsible for literacy training during the planning year to advise on the development of a State plan for literacy and for adult education that fulfills the literacy and adult education needs of the State, especially with respect to the needs of the labor market, economic development goals, and the needs of the individuals in the State;”;

(ii) by amending paragraph (2) to read as follows:

“(2) advise the Governor, the State educational agency, and other State agencies concerning—

“(A) the development and implementation of measurable State literacy and adult education goals consistent with section 342(c)(2), especially with respect to—

“(i) improving levels of literacy in the State by ensuring that all appropriate State agencies have specific objectives and strategies for such goals in a comprehensive approach;

“(ii) improving literacy programs in the State; and

“(iii) fulfilling the long-term literacy goals of the State;

“(B) the coordination and monitoring of State literacy training programs in order to progress toward the long-term literacy goals of the State;

“(C) the improvement of the quality of literacy programs in the State by supporting the integration of services, staff training, and technology-based learning and the integration of resources of literacy programs conducted by various agencies of State government; and

“(D) private sector initiatives that would improve adult education programs and literacy programs, especially through public-private partnerships;”;

(iii) by redesignating paragraph (3) as paragraph (7); and

(iv) by inserting after paragraph (2) the following:

“(3) review and comment on the plan submitted pursuant to section 356(h) and submit such comments to the Secretary;

“(4) measure progress on meeting the goals and objectives established pursuant to paragraph (2)(A);

“(5) recommend model systems for implementing and coordinating State literacy programs for replication at the local level;

“(6) develop reporting requirements, standards for outcomes, performance measures, and program effectiveness in State programs, that are consistent with those proposed by the Inter-agency Task Force on Literacy; and”.

(e) STATE PLAN.—Subsection (c) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) describe and provide for the fulfillment of the literacy needs of individuals in the State;”;

(2) by striking paragraph (9);

(3) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(4) by inserting after paragraph (1) the following:

“(2) set forth measurable goals for improving literacy levels, retention in literacy programs, and long-term learning gains of individuals in the State and describe a comprehensive approach for achieving such goals, including the development of indicators of program quality as required by section 331(a)(2);”;

(5) in paragraph (4) (as redesignated by paragraph (3) of this section)—

(A) by striking “the use of” and inserting “coordination by”;

(B) by striking “other than” and inserting “including”; and

(C) by striking “such as” the second place such term appears;

(6) by striking “and” at the end of paragraph (12);

(7) by striking the period at the end of paragraph (13) and inserting a semicolon; and

(8) by adding at the end the following:

“(14) report the amount of administrative funds spent on program improvements; and

“(15) contain assurances that financial assistance provided pursuant to this title shall be used to assist and expand existing programs and to develop new programs for adults whose lack of basic skills—

“(A) renders them unemployable;

“(B) keeps them, whether employed or unemployed, from functioning independently in society; and

“(C) severely reduces their ability to have a positive effect on the literacy of their children.”.

(f) EVALUATION.—Section 352 of the Adult Education Act (20 U.S.C. 1207a) is amended—

(1) in paragraph 1—

(A) by striking “data to the Secretary” and inserting the following: “to the Secretary and make public within the State data”;

(B) by inserting before the semicolon the following: “, including—

“(A) the number and percentage of local educational agencies, community-based organizations, volunteer groups, and other organizations that are grant recipients; and

“(B) results of the evaluations carried out as required by paragraph (2) in the year preceding the year for which the data is submitted”;

(2) in paragraph (2)—

(A) by striking “before the end” and all that follows through “shall consider” and inserting the following: “evaluate 20 percent of the grant recipients each year so that at the end of such period 80 percent of all grant recipients shall have been evaluated once and such evaluations shall consider, at a minimum”;

(B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(C) by inserting before subparagraph (B) (as redesignated by subparagraph (B) of this paragraph) the following:

“(A) the projected goals of the grant recipient as described in its application pursuant to section 322(a)(3);”;

(D) by amending subparagraph (D) (as redesignated by subparagraph (B) of this paragraph) to read as follows:

“(D) the success of the grant recipient in meeting the State’s indicators of program quality after such indicators are developed as required by section 331(a)(2); and”;

(E) by striking “and” at the end.

(g) TEACHER TRAINING.—(1) Subsection (a) of section 353 of the Adult Education Act (20 U.S.C. 1208(a)) is amended—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; and”;

(C) by adding at the end the following:

“(3) training professional teachers, volunteers, and administrators, with particular emphasis on—

“(A) training—

“(i) full-time professional adult educators;

“(ii) minority adult educators;

“(iii) educators of adults with limited English proficiency; and

“(B) training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals who have a reading ability below the fifth grade level.”.

(2) Section 353 of the Adult Education Act (as amended by paragraph (1) of this subsection) (20 U.S.C. 1208) is amended—

(A) in subsection (a), by striking “10” and inserting “15”; and

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

“(b) SPECIAL RULE.—At least $\frac{2}{3}$ of the 15 percent reserved pursuant to subsection (a) shall be used to carry out the provisions of paragraphs (2) and (3) of subsection (a).”

(h) FEDERAL RESPONSIBILITY.—Section 361 of the Adult Education Act (20 U.S.C. 1209) is amended by adding at the end the following:

“(c) FEDERAL RESPONSIBILITY.—Within 1 year after the enactment of the National Literacy Act of 1991, the Secretary, in consultation with appropriate experts, educators, and administrators, shall develop indicators of program quality that may be used by State and local programs receiving assistance under this title as models by which to judge the success of such programs, including success in recruitment and retention of students and improvement in the literacy skills of students. Such indicators shall take into account different conditions under which programs operate and shall be modified as better means of assessing program quality are developed.”

SEC. 302. TARGETED ASSISTANCE.

Section 1531(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2941) is amended by—

(1) redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) inserting the following new paragraph (5) after paragraph (4):

“(5) programs of training to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students with reading and reading-related problems that place such students at risk for illiteracy in their adult years;”

SEC. 303. AMENDMENTS TO THE EVEN START PROGRAM.

(a) AMENDMENT TO PART HEADING.—The heading for part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.) is amended to read as follows:

“PART B—EVEN START FAMILY LITERACY PROGRAMS”.

(b) STATE GRANT PROGRAM.—Section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742) is amended—

(1) in subsection (a), by striking “local educational agencies or consortia of such agencies” and inserting “eligible entities”;

(2) in subsection (b)—

(A) by inserting “(1)” before “In”; and

(B) by adding at the end the following:

“(2) In any fiscal year in which this subsection applies, no State shall award a grant under this part for an amount less than \$75,000.

“(3) In any year in which this subsection applies, each State that receives a grant under this part may use not more than 5 percent of assistance provided under the grant for costs of—

“(A) administration; and

“(B) the provision, through grant or contract, of technical assistance for program improvement and replication to eligible entities that receive grants under this part.”;

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following new subsection:

“(c) **RESERVATION.**—From amounts appropriated for purposes of carrying out this part, the Secretary may reserve an amount equal to not more than 2 percent of such amounts or the amount reserved for such purposes in the fiscal year 1991, whichever is greater, for purposes of—

“(1) carrying out the evaluation required by section 1058; and

“(2) providing, through grant or contract, technical assistance for program improvement and replication to eligible entities that receive grants under this part.”; and

(5) by amending subsection (d) (as redesignated by paragraph (3)) to read as follows:

“(d) **DEFINITIONS.**—For the purpose of this part:

“(1) The term ‘eligible entity’ means—

“(A) a local educational agency applying in collaboration with a community-based organization, public agency, institution of higher education, or other nonprofit organization; or

“(B) a community-based organization, or other nonprofit organization of demonstrated quality applying in collaboration with a local educational agency.

“(2) The terms ‘Indian tribe’ and ‘tribal organization’ have the respective meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act.

“(3) The term ‘State’ includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

(c) **ALLOCATION.**—Subsection (a) of section 1053 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2743) is amended to read as follows:

“(a) **RESERVATION FOR MIGRANT PROGRAMS AND TERRITORIES.**—(1) In each fiscal year in which section 1052(a) applies, the Secretary shall first reserve for programs consistent with the purpose of this part—

“(A) for programs for migrant children, which shall be conducted through the Office of Migrant Education, an amount equal to 3 percent of the amount appropriated for purposes of carrying out this part; and

“(B) for allocations to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and to Indian tribes and tribal organizations, an amount comparable to their relative need.

“(2) In each fiscal year in which section 1052(b) applies, the Secretary shall first reserve for programs consistent with the purpose of this part, an amount equal to 5 percent of the amount appropriated for purposes of carrying out this part, of which—

“(A) amounts shall be allocated for programs for migrant children, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and Indian tribes and tribal organizations, according to their relative need; but

“(B) in no case shall the amount reserved for programs for migrant children be less than the amount reserved for such programs in the preceding fiscal year.”

(d) **FEDERAL SHARE LIMITATION.**—Section 1054 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2744) is amended—

(1) in subsection (a), by striking “local educational agencies” and all that follows through “nonprofit organizations,” and inserting “an eligible entity”;

(2) in paragraph (2) of subsection (b), by inserting after “counseling,” the following: “other developmental and support services,”; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by inserting “(1)” before “The Federal share”;

(C) in subparagraph (A) (as redesignated by subparagraph (A) of this paragraph), by striking “local educational agency” and inserting “eligible entity”;

(D) by striking the last sentence and inserting the following: “The remaining cost may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds made available for programs under this chapter.”; and

(E) by adding at the end the following:

“(2) The Secretary (in any fiscal year in which section 1052(a) applies) or the State educational agency (in any fiscal year in which section 1052(b) applies) may waive, in whole or in part, the requirement that all or part of the remaining cost described in paragraph (1) be obtained from sources other than funds made available under this chapter if an eligible entity—

“(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

“(B) negotiates an agreement with the Secretary or the State educational agency, as appropriate, with respect to the amount of the remaining cost to which the waiver would be applicable.”.

(e) **ELIGIBLE PARTICIPANTS.**—Section 1055 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2745) is amended—

(1) by striking “Eligible” and inserting the following: “(a) IN GENERAL.—Except as provided in subsection (b), eligible”;

(2) in paragraph (2) of subsection (a) (as designated by paragraph (1)), by striking “(aged 1 to 7,” and inserting “(from birth to age 7,”; and

(3) by adding at the end the following:

“(b) **CONTINUATION OF ELIGIBILITY FOR CERTAIN PARTICIPANTS.**—Any family participating in the program under this part that becomes ineligible for such participation as a result of 1 or more members of the family becoming ineligible for such participation, may continue to participate in the program until all members of the family become ineligible for participation, which—

“(1) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of 8, shall be when the parent or parents become ineligible due to educational advancement; and

“(2) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of 8.”.

(f) APPLICATIONS.—Section 1056 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2746) is amended—

(1) in subsection (a), by striking “a local educational agency” and inserting “an eligible entity”; and

(2) in subsection (b), by striking “the local educational agency” and inserting “the eligible entity”.

(g) SELECTION PROCESS.—Section 1057 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2747) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) by inserting “(1)” before “The”;

(C) in paragraph (1) (as designated by subparagraph (B) of this paragraph)—

(i) by amending subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) to read as follows:
“(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and adults who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators;”;

(ii) in subparagraph (E) (as redesignated by subparagraph (A) of this paragraph), by striking “the local educational agency’s” and inserting “the eligible entity’s”; and

(iii) by adding at the end the following:

“(2) The review panel shall give priority for grants under this subsection to proposals which—

“(A) make the demonstration described in paragraph (1)(B); and

“(B) demonstrate an ability to operate an effective program.”;

(2) by amending subsection (c) to read as follows:

“(c) DISTRIBUTION OF ASSISTANCE.—(1) In approving grants under this part pursuant to section 1052(a), the Secretary shall ensure a representative distribution of assistance among the States and among urban and rural areas of the United States.

“(2) In approving grants under this part pursuant to section 1052(b), the review panel shall ensure a representative distribution of assistance between urban and rural areas of the State.”; and

(3) in paragraph (1) of subsection (d)—

(A) by striking “a local educational agency” and inserting “an eligible entity”; and

(B) by striking “such local educational agency” and inserting “such eligible entity”.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1059 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2749) is amended to read as follows:

“SEC. 1059. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for purposes of carrying out this part such sums as may be necessary for the fiscal year 1991, \$100,000,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993.”.

SEC. 304. FAMILY LITERACY PUBLIC BROADCASTING PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) The Secretary is authorized, subject to the availability of appropriations, to enter into a contract

Rural and urban areas.

20 USC 1213c note. Contracts.

with the Corporation for Public Broadcasting to arrange for the production and dissemination of family literacy programming and accompanying materials which would assist parents in improving family literacy skills and language development. In producing and developing such programming, the Corporation for Public Broadcasting shall work in cooperation with local public broadcasting stations to avoid duplication of efforts.

(2) After the program described in paragraph (1) is produced, the Corporation for Public Broadcasting shall arrange to have audio and video instructional media materials for distribution at sites chosen from among—

(A) State and local libraries operating literacy programs, and

(B) nonprofit entities serving hard-to-serve populations as defined in section 304(b)(2), including community-based organizations, volunteer organizations and other nongovernmental entities.

(3) The audio and video instructional media materials described in paragraph (2) shall be used at sites described in paragraph (2), and on a loan basis, distributed to families.

(4) One year after distribution of the audio and video instructional media materials, the Corporation for Public Broadcasting shall report to the Congress on the distribution and use of the audio and video instructional media materials produced pursuant to this subsection and such audio and video instructional media materials' contribution in promoting literacy.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$2,000,000 for fiscal year 1992 to carry out the provisions of subsection (i), of which \$100,000 shall be reserved for reproducing and distributing programming or audio and video instructional media materials.

TITLE IV—BUSINESS LEADERSHIP FOR EMPLOYMENT SKILLS

SEC. 401. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

(a) **IN GENERAL.**—Part C of the Adult Education Act (20 U.S.C. 1211 et seq.) is amended by adding at the end the following:

“SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

“(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

“(b) **FEDERAL SHARE.**—The Federal share of the costs of the adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

“(c) **ELIGIBLE ENTITIES.**—Entities eligible to receive a grant under this section include—

“(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

“(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

“(3) approved apprentice training programs; and

“(4) labor organizations, the memberships of which include commercial drivers.

“(d) REFERRAL PROGRAM.—Grantees shall refer to appropriate adult education programs as authorized under this title individuals who are identified as having literacy skill problems other than or beyond those which prevent them from successfully completing the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

“(e) DEFINITIONS.—For purposes of this section:

“(1) The term ‘approved apprentice training programs’ has the meaning given such term in the National Apprenticeship Act of 1937.

“(2) The term ‘eligible commercial driver’ means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section \$3,000,000 for each of the fiscal years 1991, 1992, and 1993.”

(b) AVOIDANCE OF DUPLICATE ENACTMENT.—The amendment made by subsection (a) shall not take effect if the Higher Education Amendments of 1991 are enacted before the enactment of this Act.

TITLE V—BOOKS FOR FAMILIES

SEC. 501. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

(a) PRIORITY.—Section 1563(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2963) is amended by—

(1) striking “and” at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

“(3) in the fiscal year 1991 and each succeeding fiscal year, the contractor will give priority in the selection of additional local programs to programs and projects which serve children and students with special needs including, at a minimum—

Children and youth.

“(A) low-income children (particularly such children in high poverty areas);

“(B) children at risk for school failure;

“(C) children with disabilities;

“(D) emotionally disturbed children;

“(E) foster children;

“(F) homeless children;

“(G) migrant children;

“(H) children without access to libraries;

“(I) institutionalized or incarcerated children; and

“(J) children whose parents are institutionalized or incarcerated; and”.

(b) STUDY.—The contractor shall report to the Secretary of Education annually regarding the number and description of the additional programs funded under subsection 1563(a)(3) of the Elementary and Secondary Education Act of 1965.

20 USC 2963 note.

SEC. 502. LIBRARY LITERACY PROGRAMS.

Section 601 of the Library Services and Construction Act (20 U.S.C. 375) is amended by inserting at the end thereof the following new subsection:

“(f) In awarding grants under this section the Secretary shall give priority to programs and services which—

“(1) will be delivered in areas of greatest need which have highest concentrations of adults who do not have a secondary education or its equivalent, and which—

“(A) have few community or financial resources to establish the program described under this section without Federal assistance, or

“(B) have low per capita income, unemployment or underemployment; and

“(2) coordinate with literacy organizations and community based organizations providing literacy services.”.

TITLE VI—LITERACY FOR INCARCERATED INDIVIDUALS

20 USC 1211-2.

SEC. 601. MANDATORY LITERACY PROGRAM.

(a) **ESTABLISHMENT.**—The chief correctional officer of each State correctional system may establish a demonstration or system-wide functional literacy program.

(b) **PROGRAM REQUIREMENTS.**—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies;

and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) **ANNUAL REPORT.**—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection

(a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of testing that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a system-wide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies who elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section \$10,000,000 for fiscal year 1992, \$15,000,000 for fiscal year 1993, \$20,000,000 for fiscal year 1994, and \$25,000,000 for fiscal year 1995.

Appropriation
authorization.

(e) DEFINITION.—For the purposes of this section, the term “functional literacy” means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

SEC. 602. BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 1566 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2966) is amended—

(1) in subsection (a), by striking “The” and inserting “Subject to subsection (d), the”; and

(2) by adding at the end the following:

“(d) BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.—The Secretary, through nominations provided by the Office on Correctional Education after consultation with representatives of correctional education organizations and others active in literacy

education, shall annually make 1 or more awards under this section to effective and innovative programs for inmate education and literacy.”.

20 USC 2966
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1992.

TITLE VII—VOLUNTEERS FOR LITERACY

SEC. 701. LITERACY CHALLENGE GRANTS.

(a) GENERAL AUTHORITY.—

(1) **PROGRAM AUTHORIZED.**—Part C of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4991 et seq.) is amended by adding at the end the following:

“LITERACY CHALLENGE GRANTS

42 USC 4995.

“SEC. 125. (a) The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as one method of addressing illiteracy.

“(b) Each eligible organization desiring a grant under this section shall submit to the ACTION Agency an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

“(1) describe the activities for which assistance is sought,

“(2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

“(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

“(4) contain such other information and assurances as the Director may reasonably require.

“(c)(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a non-profit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

“(i) 80 percent in the first fiscal year;

“(ii) 70 percent in the second fiscal year; and

“(iii) 60 percent in the third fiscal year.

“(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

“(2) The Federal share of the cost of a program or project administered by a nonprofit or community-based organization shall not exceed—

“(A) 90 percent in the first fiscal year;

“(B) 80 percent in the second fiscal year; and

“(C) 70 percent in the third fiscal year.

“(3) The non-Federal share provided by a public agency or a nonprofit or community-based organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.”.

(2) **CONFORMING AMENDMENT.**—The table of contents contained in the first section of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 note) is amended by inserting after the item relating to section 124 the following new item.

“Sec. 125. Literacy challenge grants.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 501(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting “(1)” after the subsection designation; and

(3) by inserting at the end the following:

“(2) Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there is authorized to be appropriated \$2,500,000 for the fiscal year 1992 and such sums as may be necessary for 1993 for Literacy Challenge Grants under section 125.

“(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

“(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

“(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.”

TITLE VIII—AMENDMENTS AFFECTING THE TERRITORIES AND THE FREELY ASSOCIATED STATES

SEC. 801. ELIGIBILITY FOR EDUCATION PROGRAMS.

(a) **HIGHER EDUCATION.**—Section 484 of the Act (20 U.S.C. 1091) is amended by adding at the end thereof the following new subsection:

“(k) **STUDENTS ATTENDING INSTITUTIONS IN THE FREELY ASSOCIATED STATES AND ELIGIBILITY FOR TRIO PROGRAMS.**—Notwithstanding any other provision of law, a student who meets the requirements of paragraph (a)(5) of this section or who is a resident of the freely associated states, and who attends a public or nonprofit institution of higher education located in any of the freely associated states rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 1, 2, or 4 of part A or part C of this title.”

(b) **TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM.**—Section 4502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3142) is amended by striking “the Northern Mariana Islands, and the Trust Territory of the Pacific Islands” each place it appears and inserting in lieu thereof “the Commonwealth of the Northern Mariana Islands, Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.”

(c) TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.—Section 1204 of the Act (20 U.S.C. 1144a) is amended by adding at the end thereof the following new subsection:

“(d) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 4 of part A of title IV of this Act.”.

SEC. 802. TREATMENT OF TERRITORIES AND FREELY ASSOCIATED STATES.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subsection (a) of section 1005 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) COMPETITIVE GRANTS.—(A) From amounts appropriated for purposes of carrying out this section, the Secretary shall reserve an amount equal to the amount described in subparagraph (B) for purposes of making competitive grants to local educational agencies in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands. The Secretary shall make such grants according to the recommendations of the Pacific Regional Laboratory in Honolulu, Hawaii, which shall conduct a competition for such grants.

“(B) The amount described in this subparagraph is the portion of the aggregate amount reserved in the fiscal year 1989 under sections 1005(a), 1291, 1404, 1405(a)(2)(A), and 1405(a)(2)(B) for the Trust Territory of the Pacific Islands that was attributable to the Republic of the Marshall Islands and the Federated States of Micronesia.

“(C) Subject to subparagraph (D), grants awarded under this paragraph may only be used for—

“(i) activities consistent with the purposes of—

“(I) title I;

“(II) the Adult Education Act;

“(III) the Education of the Handicapped Act;

“(IV) the Library Services and Construction Act; or

“(V) the Dwight D. Eisenhower Mathematics and Science Education Act;

“(ii) teacher training;

“(iii) curriculum development;

“(iv) instructional materials; or

“(v) general school improvement and reform.

“(D) Grants awarded under this paragraph may only be used to provide direct educational services.

“(E) The Secretary shall provide 5 percent of amounts made available for grants under this paragraph to pay the administrative costs of the Pacific Regional Laboratory with respect to the program under this paragraph.”.

(b) **ADULT EDUCATION ACT.**—The Adult Education Act is amended—

(1) in sections 312(7) and 371(b)(7)(B)(i) (20 U.S.C. 1201a(7) and 1211(b)(7)(B)(i)) by striking “the Trust Territory of the Pacific Islands” and inserting “Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(2) in sections 313(b) and 361(a) (20 U.S.C. 1201b(b) and 1209a(a)) by striking “and the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau”.

(c) **STAR SCHOOLS PROGRAM.**—Section 907(8) of the Star Schools Program Assistance Act (20 U.S.C. 4086(7)) is amended by striking “the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, Palau”.

(d) **EDUCATION OF THE HANDICAPPED.**—The Education of the Handicapped Act is amended in—

(1) section 602(a)(6) (20 U.S.C. 1401(a)(6)) by striking “or the Trust Territory of the Pacific Islands” and inserting “or Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(2) section 611(a)(2) (20 U.S.C. 1411(a)(2)) by striking “and the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau”; and

(3) section 611(e)(1) (20 U.S.C. 1411(e)(1)) by striking “and the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”.

(e) **LIBRARY SERVICES AND CONSTRUCTION ACT.**—The Library Services and Construction Act is amended in—

(1) section 3(g) (20 U.S.C. 351a(g)) by striking “or the Trust Territory of the Pacific Islands” and inserting “Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(2) section 5(a)(3) (20 U.S.C. 351c(a)(3)) by striking “and the Trust Territory of the Pacific Islands” each place such term appears and inserting “Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(3) section 7(a) (20 U.S.C. 351e(a)) by striking “the Trust Territory of the Pacific Islands” and inserting “Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(4) section 7(b) (20 U.S.C. 351e(b)) by striking “and the Trust Territory of the Pacific Islands” each place such term appears and inserting “the Commonwealth of the Northern Mariana Islands and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”.

Approved July 25, 1991.

LEGISLATIVE HISTORY—H.R. 751:

HOUSE REPORTS: No. 102-23 (Comm. on Education and Labor).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 19, considered and passed House.

June 26, considered and passed Senate, amended.

July 11, House concurred in Senate amendment, in others with amendments.

July 15, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

July 25, Presidential remarks and statement.

Public Law 102-74
102d Congress

Joint Resolution

To declare it to be the policy of the United States that there should be a renewed and sustained commitment by the Federal Government and the American people to the importance of adult education.

July 26, 1991

[H.J. Res. 279]

Whereas a well educated citizenry is the foundation of democracy, the people of all ages should use every means available to gain knowledge and skills;

Whereas the Adult Education Act offers educational opportunities for out-of-school adults age 16 and older who lack the literacy levels needed for effective citizenship and productive employment;

Whereas the Adult Education Act serves adults who need to acquire basic and life skills, to continue their education through secondary school, and to attain literacy levels required to secure employment or occupational training;

Whereas the Adult Education Act puts special emphasis on such adult populations as the incarcerated, individuals of limited English proficiency, adults with disabilities, adult immigrants, the chronically unemployed, homeless adults, the institutionalized, and minorities;

Whereas the Adult Education Act has provided adult basic, adult secondary, and English-as-a-Second-Language instruction to over 40,000,000 men and women since 1966;

Whereas the Adult Education Act has initiated programs located throughout the 57 States and territories, in urban, suburban, and rural settings;

Whereas the Adult Education Act encourages the participation of over 94,000 volunteers who selflessly devote their time to educating adults in need of literacy instruction;

Whereas the Adult Education Act supports the national goal that every adult American will be literate and will possess the knowledge and skill necessary to compete in a global economy and exercise the rights and responsibilities of citizenship;

Whereas the Adult Education Act reinforces the principle that we are a nation of students and recognizes that learning is a lifelong process;

Whereas on November 3, 1966, the Adult Education Act was signed into law; and

Whereas the Congress supports the Adult Education Act's goal of educating adults so that they can lead fulfilling, more productive lives: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States that—

(1) the 25th anniversary of Federal aid to improve the basic and literacy skills of adults through the Adult Education Act should be recognized and observed by the Nation; and

(2) there should be a continued commitment to Federal aid for educating adults through the Adult Education Act in order to increase adult literacy and assure a productive workforce and a competitive America in the 21st century.

Approved July 26, 1991.

LEGISLATIVE HISTORY—H.J. Res. 279:

CONGRESSIONAL RECORD, Vol. 137 (1991):

July 9, considered and passed House.

July 11, considered and passed Senate.

Public Law 102-75
102d Congress

An Act

To disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes.

July 26, 1991
[H.R. 427]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

As used in this Act, the following terms shall have the following meanings:

(1) The term "1921 Act" means the Act of August 23, 1921 (42 Stat. 173), whereby the United States granted to the State of Washington, for the use of the University of Washington for purposes of a biological station and general university research purposes, certain lands comprising a military reservation at San Juan Island, in San Juan County, Washington.

(2) The term "encroached lands" means those portions of the lands granted to the State of Washington by the 1921 Act that are designated as "Encroached Lands" on a survey plat to be prepared by the Secretary of the Interior pursuant to section 2 of this Act.

(3) The term "university" means the University of Washington.

(4) The term "the Secretary" means the Secretary of the Interior.

(5) The term "occupants" means the parties who on January 3, 1991, were listed on the tax records of San Juan County, Washington, as the owners of the encroached lands, and their heirs and assigns.

SEC. 2. SURVEY PLAT.

Within one year after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of the lands granted to the State by the 1921 Act, and shall prepare a survey plat detailing those portions of the land granted to the State that have been encroached upon: *Provided*, That not more than 50 per centum of the cost of such survey shall be paid by the Federal Government.

SEC. 3. EXEMPTION, DISCLAIMER, AND CONDITIONS.

(a) Subject to the limitation in subsection (c), the provisions of the 1921 Act relating to the right of the United States to assume control of, hold, use, and occupy the lands granted to the State by the 1921 Act, the provisions of such Act providing for reversion of such lands to the United States, and section 2 of such Act as amended by this Act shall not apply to the encroached lands.

(b) Subject to the limitations of subsection (c), the United States hereby disclaims all right, title and interest in the encroached lands and, effective one year after the survey plat is prepared pursuant to

section 2, all right, title, and interest of the United States in such lands shall vest in the University.

(c)(1) Subsections (a) and (b) of this section shall not take effect unless, within six months after the date of enactment of this Act the University and the State have entered into a binding agreement with the Secretary whereby the State and the University agree—

(A) to accept the map referred to in section 2 as accurate and conclusive and that the University and the State will not attempt to convey or otherwise transfer any portion of the encroached lands to any party or parties other than the occupants; and

(B) to reimburse the Secretary for the administrative costs of implementing this Act plus half the costs of the survey required by section 2, and also to pay the Secretary, on behalf of the United States, an amount equal to the total amounts that the State and the University receive as consideration for conveyance of some of all of the encroached lands to any of the occupants in excess of reasonable costs (including the survey and other costs required by this Act) incurred by the University and the State incident to such conveyance.

(2) All amounts received by the Secretary pursuant to this subsection shall be retained by the Secretary and, subject to appropriations, shall be used for the management of public lands managed by the Bureau of Land Management and shall remain available until expended.

SEC. 4. AVAILABILITY OF SURVEY PLAT.

The survey plat referred to in section 2 shall be available for public inspection in the offices of the Secretary and the State Director of the Bureau of Land Management for the State of Washington, and the Secretary shall transmit copies thereof to the University and to the appropriate officials of the State and of San Juan County, Washington.

SEC. 5. AMENDMENT.

The 1921 Act is hereby amended by the addition at the end thereof of the following new section:

“SEC. 2. (a) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the State of Washington is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

“(b) If lands granted or conveyed to the State by this Act shall be used for purposes that the Secretary of the Interior finds: (1) inconsistent with the purposes of this Act, and (2) which may result in the disposal, placement or release of any hazardous substance, the State shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of the land, including the value of any improvement, thereon, as of the date of conversion of the land to the nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject

to appropriations, for the management of public lands and shall remain available until expended.”.

Approved July 26, 1991.

LEGISLATIVE HISTORY—H.R. 427:

HOUSE REPORTS: No. 102-34 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 102-94 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 24, considered and passed House.

July 17, considered and passed Senate.

Public Law 102-76
102d Congress

An Act

July 26, 1991
[H.R. 998]

To designate the building in Vacherie, Louisiana, which houses the primary operations of the United States Postal Service as the "John Richard Haydel Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building in Vacherie, Louisiana, which houses the primary operations of the United States Postal Service (as determined by the Postmaster General) shall be known and designated as the "John Richard Haydel Post Office Building", and any reference in a law, map, regulation, document, paper, or other record of the United States to such building shall be deemed to be a reference to the John Richard Haydel Post Office Building.

Approved July 26, 1991.

LEGISLATIVE HISTORY—H.R. 998:

CONGRESSIONAL RECORD, Vol. 137 (1991):

July 15, considered and passed House.

July 17, considered and passed Senate.

Public Law 102-77
102d Congress

An Act

To redesignate the Midland General Mail Facility in Midland, Texas, as the "Carl O. Hyde General Mail Facility", and for other purposes.

July 26, 1991
[H.R. 2347]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF MAIL FACILITY.

(a) **IN GENERAL.**—The Midland General Mail Facility, located at 10000 Sloan Field Boulevard, in Midland, Texas, is redesignated as the "Carl O. Hyde General Mail Facility".

(b) **REFERENCES.**—Any reference in a law, rule, map, document, record, or other paper of the United States to the Midland General Mail Facility in Midland, Texas, is deemed to be a reference to the "Carl O. Hyde General Mail Facility".

SEC. 2. AMENDMENT TO TITLE 5, UNITED STATES CODE.

Section 5307 of title 5, United States Code, is amended—

(1) by redesignating subsection (a) as subsection (a)(1);

(2) in subsection (a)(1) (as so redesignated) by striking "cause to the" and inserting "cause the";

(3) by inserting after subsection (a)(1) (as so redesignated) the following:

"(2) This section shall not apply to any payment under—

"(A) subchapter III or VII of chapter 55 or section 5596;

"(B) chapter 57 (other than section 5753, 5754, or 5755); or

"(C) chapter 59 (other than section 5925, 5928, 5941(a)(2), or 5948)."; and

"(4) in subsection (b) by striking paragraph (3).

Approved July 26, 1991.

LEGISLATIVE HISTORY—H.R. 2347:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 15, considered and passed House.
July 17, considered and passed Senate.

Public Law 102-78
102d Congress

Joint Resolution

Aug. 2, 1991

[S.J. Res. 121]

Designating September 12, 1991, as "National D.A.R.E. Day".

Whereas D.A.R.E. (Drug Abuse Resistance Education) is the largest and most effective drug-use prevention education program in the United States, and is now taught to 20 million youths in grades K-12;

Whereas D.A.R.E. is taught in more than 150,000 classrooms, reaching more than 3,500 communities in all Department of Defense Dependent Schools worldwide;

Whereas the D.A.R.E. program has become a model drug prevention program for other countries and is now taught in Australia, New Zealand, American Samoa, Canada, Costa Rica and Mexico;

Whereas the D.A.R.E. core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alcohol and drugs, by teaching students decisionmaking skills and the consequences of their behavior and by building students' self-esteem while teaching them how to resist peer pressure;

Whereas D.A.R.E. provides parents with information and guidance to further their children's development and to reinforce their decisions to lead drug-free lives;

Whereas the D.A.R.E. program is taught by veteran police officers who come straight from the streets with years of direct experience with ruined lives caused by substance abuse, giving them a credibility unmatched by teachers, celebrities, or professional athletes;

Whereas each police officer who teaches the D.A.R.E. Program completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills; and

Whereas D.A.R.E., according to independent research, substantially impacts students' attitudes toward substance use and contributes to improved study habits, higher grades, decreased vandalism and gang activity, and generates greater respect for police officers:
Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 12, 1991 is designated as "National D.A.R.E. Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

Approved August 2, 1991.

LEGISLATIVE HISTORY—S.J. Res. 121:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
July 24, considered and passed House.

Public Law 102-79
102d Congress

Joint Resolution

Aug. 6, 1991
[H.J. Res. 181]

Designating the third Sunday of August of 1991 as "National Senior Citizens Day".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday of August of 1991 is designated as "National Senior Citizens Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities in honor of the contributions to the United States of individuals more than 55 years of age.

Approved August 6, 1991.

LEGISLATIVE HISTORY—H.J. Res. 181:

CONGRESSIONAL RECORD, Vol. 137 (1991):

July 16, considered and passed House.
July 23, considered and passed Senate.

Public Law 102-80
102d Congress

Joint Resolution

Designating the week beginning September 8, 1991, and the week beginning September 6, 1992, each as "National Historically Black Colleges Week".

Aug. 6, 1991
[S.J. Res. 40]

Whereas there are 107 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 8, 1991, and the week beginning September 6, 1992, are each designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe each such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

Approved August 6, 1991.

LEGISLATIVE HISTORY—S.J. Res. 40:

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 26, considered and passed Senate.

July 24, considered and passed House, amended.

July 25, Senate concurred in House amendments.

Public Law 102-81
102d Congress

Joint Resolution

Aug. 6, 1991
[S.J. Res. 142]

To designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week".

Whereas over 250,000 children in the United States are affected by the debilitating disease known as Juvenile Arthritis;

Whereas this crippling condition attacks the joints and major organs of the human body—heart, liver, spleen, and even eyes;

Whereas this disease is often lifelong, affecting children into their adulthood, making even simple tasks seem difficult and frustrating, affecting the quality of life for our future citizens and leaders;

Whereas Juvenile Arthritis can be controlled reasonably well in most people, but it can prove fatal in some instances; and

Whereas the commitment to research and education efforts to develop a greater understanding about Juvenile Arthritis should be encouraged and continued: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 28, 1991, is designated as "National Juvenile Arthritis Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Approved August 6, 1991.

LEGISLATIVE HISTORY—S.J. Res. 142:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
July 24, considered and passed House.

Public Law 102-82
102d Congress

An Act

To amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes.

Aug. 6, 1991
[H.R. 153]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROCEDURES FOR DECISIONS OF THE COURT OF VETERANS APPEALS.

Section 7267 of title 38, United States Code, is amended—

- (1) by striking out subsections (b) and (d);
- (2) by redesignating subsections (c) and (e) as subsections (b) and (c), respectively; and
- (3) by striking out “except as provided in subsection (d) of this section” in subsection (a).

SEC. 2. JUDICIAL CONFERENCE.

(a) **IN GENERAL.**—Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7286. Judicial Conference of the Court of Veterans Appeals

“The Chief Judge of the Court of Veterans Appeals may summon the judges of the Court to an annual judicial conference, at a time and place that the Chief Judge designates, for the purpose of considering the business of the Court and recommending means of improving the administration of justice within the Court’s jurisdiction. The Court shall provide by its rules for representation and active participation at such conference by persons admitted to practice before the Court and by other persons active in the legal profession.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7285 the following new item:

“7286. Judicial Conference of the Court of Veterans Appeals.”.

SEC. 3. JUDICIAL DISCIPLINE.

Section 7253 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(g) The Court shall prescribe rules, consistent with the provisions of section 372(c) of title 28, establishing procedures for the filing of complaints with respect to the conduct of any judge of the Court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, the Court shall have the powers granted to a judicial council under such section.”.

Regulations.

SEC. 4. RECUSAL OF JUDGES.

Section 7264 of title 38, United States Code, is amended by adding at the end the following:

“(c) Section 455 of title 28 shall apply to judges and proceedings of the Court.”.

SEC. 5. PARTICIPATION OF JUDGES IN THE THRIFT SAVINGS PLAN.

(a) **IN GENERAL.**—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following new section:

“§ 8440c. Judges of the United States Court of Veterans Appeals

“(a)(1) A judge of the United States Court of Veterans Appeals may elect to contribute to the Thrift Savings Fund.

“(2) An election may be made under paragraph (1) only during a period provided under section 8432(b) of this title for individuals subject to chapter 84 of this title.

“(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII of this chapter shall apply with respect to a judge making contributions to the Thrift Savings Fund.

“(2) The amount contributed by a judge may not exceed 5 percent of the amount of the judge’s basic pay. Basic pay does not include any retired pay paid pursuant to section 7296 of title 38.

“(3) No contributions may be made for the benefit of a judge under section 8432(c) of this title.

“(4) Section 8433(b) of this title applies with respect to a judge who elects to make contributions to the Thrift Savings Fund and retires under section 7296(b) of title 38.

“(5) A transfer shall be made as provided in section 8433(d) of this title in the case of a judge who elects to make contributions to the Thrift Savings Fund and thereafter ceases to serve as a judge of the United States Court of Veterans Appeals but does not retire under section 7296(b) of title 38.

“(6) The provisions of section 8351(b)(7) of this title shall apply with respect to a judge who has elected to contribute to the Thrift Savings Fund under this section.”.

(2) The table of sections at the beginning of such chapter is amended by inserting at the end of the items relating to the sections in subchapter III the following:

“8440c. Judges of the United States Court of Veterans Appeals.”.

(b) **FIRST ELECTION.**—A judge of the United States Court of Veterans Appeals on the date of the enactment of this Act may make an election under section 8440c(a) of title 5, United States Code (as added by subsection (a)), within 60 days after the date of the enactment of this Act.

(c) **CONFORMING AMENDMENTS.**—(1) Section 7296(f)(2)(A) of title 38, United States Code, is amended by inserting “except as authorized by section 8440c of title 5” before the semicolon at the end.

(2) Section 7297(n) of title 38, United States Code, is amended by inserting before the period at the end of the first sentence the following: “except section 8440c of title 5”.

SEC. 6. DISTRIBUTION OF THE CONGRESSIONAL RECORD TO THE UNITED STATES COURT OF VETERANS APPEALS.

Section 906 of title 44, United States Code, is amended by inserting "the United States Court of Veterans Appeals," after "the Tax Court of the United States," both places it appears.

SEC. 7. ACCEPTANCE OF VOLUNTARY SERVICES AND GIFTS BY THE UNITED STATES COURT OF VETERANS APPEALS.

Section 7281 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(i) The Court may accept and utilize voluntary services and uncompensated (*gratuitous*) services, including services as authorized by section 3102(b) of title 5 and may accept, hold, administer, and utilize gifts and bequests of personal property for the purposes of aiding or facilitating the work of the Court. Gifts or bequests of money to the Court shall be covered into the Treasury."

SEC. 8. TECHNICAL AMENDMENTS.

Chapter 72 of title 38, United States Code, is amended—

(1) in subsection (c) of section 7267 (as redesignated by section 1), by striking out "Administrator of the National Archives and Records Administration" and inserting in lieu thereof "Archivist of the United States";

(2) in section 7268(b)(2)—

(A) by striking out "shall" and inserting in lieu thereof "may, upon motion of the appellant or the Secretary,"; and

(B) by striking out "before" and inserting in lieu thereof "or"; and

(3) by redesignating the second subsection (d) of section 7254 (authorizing judges of the Court to administer oaths) as subsection (e).

Approved August 6, 1991.

LEGISLATIVE HISTORY—H.R. 153:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 20, considered and passed House.

July 16, considered and passed Senate, amended.

July 24, House concurred in Senate amendments.

Public Law 102-83
102d Congress

An Act

Aug. 6, 1991
[H.R. 2525]

Department of
Veterans Affairs
Codification Act.
Government
organization.
38 USC 101 note.

To amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) **SHORT TITLE.**—This Act may be cited as the “Department of Veterans Affairs Codification Act”.

(b) **REFERENCES.**—Except in sections 3 and 6 and as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. CODIFICATION, REORGANIZATION, AND REVISION OF LAWS RELATING TO ESTABLISHMENT, ORGANIZATION, AND AUTHORITY OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Part I is amended by striking out chapter 3 and inserting in lieu thereof the following:

“CHAPTER 3—DEPARTMENT OF VETERANS AFFAIRS

“Sec.

“301. Department.

“302. Seal.

“303. Secretary of Veterans Affairs.

“304. Deputy Secretary of Veterans Affairs.

“305. Chief Medical Director.

“306. Chief Benefits Director.

“307. Director of the National Cemetery System.

“308. Assistant Secretaries; Deputy Assistant Secretaries.

“309. Chief Financial Officer.

“310. Chief Information Resources Officer.

“311. General Counsel.

“312. Inspector General.

“313. Availability of appropriations.

“314. Central Office.

“315. Regional offices.

“316. Colocation of regional offices and medical centers.

“§ 301. Department

“(a) The Department of Veterans Affairs is an executive department of the United States.

“(b) The purpose of the Department is to administer the laws providing benefits and other services to veterans and the dependents and the beneficiaries of veterans.

“(c) The Department is composed of the following:

“(1) The Office of the Secretary.

- “(2) The Veterans Health Administration.
- “(3) The Veterans Benefits Administration.
- “(4) The National Cemetery System.
- “(5) The Board of Veterans’ Appeals.
- “(6) The Veterans’ Canteen Service.
- “(7) The Board of Contract Appeals.
- “(8) Such other offices and agencies as are established or designated by law or by the President or the Secretary.
- “(9) Any office, agency, or activity under the control or supervision of any element named in paragraphs (1) through (8).

“§ 302. Seal

“(a) The Secretary of Veterans Affairs shall cause a seal of office to be made for the Department of such device as the President shall approve. Judicial notice shall be taken of the seal.

“(b) Copies of any public document, record, or paper belonging to or in the files of the Department, when authenticated by the seal and certified by the Secretary (or by an officer or employee of the Department to whom authority has been delegated in writing by the Secretary), shall be evidence equal with the original thereof.

“§ 303. Secretary of Veterans Affairs

“There is a Secretary of Veterans Affairs, who is the head of the Department and is appointed by the President, by and with the advice and consent of the Senate. The Secretary is responsible for the proper execution and administration of all laws administered by the Department and for the control, direction, and management of the Department.

“§ 304. Deputy Secretary of Veterans Affairs

“There is in the Department a Deputy Secretary of Veterans Affairs, who is appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe. Unless the President designates another officer of the Government, the Deputy Secretary shall be Acting Secretary of Veterans Affairs during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

“§ 305. Chief Medical Director

“(a)(1) There is in the Department a Chief Medical Director, who is appointed by the President, by and with the advice and consent of the Senate.

“(2) The Chief Medical Director shall be a doctor of medicine and shall be appointed without regard to political affiliation or activity and solely—

“(A) on the basis of demonstrated ability in the medical profession, in health-care administration and policy formulation, and in health-care fiscal management; and

“(B) on the basis of substantial experience in connection with the programs of the Veterans Health Administration or programs of similar content and scope.

“(b) The Chief Medical Director is the head of, and is directly responsible to the Secretary for the operation of, the Veterans Health Administration.

“(c) The Chief Medical Director shall be appointed for a period of four years, with reappointment permissible for successive like peri-

ods. If the President removes the Chief Medical Director before the completion of the term for which the Chief Medical Director was appointed, the President shall communicate the reasons for the removal to Congress.

“(d)(1) Whenever a vacancy in the position of Chief Medical Director occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

“(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

“(A) Three persons representing clinical care and medical research and education activities affected by the Veterans Health Administration.

“(B) Two persons representing veterans served by the Veterans Health Administration.

“(C) Two persons who have experience in the management of veterans health services and research programs, or programs of similar content and scope.

“(D) The Deputy Secretary of Veterans Affairs.

“(E) The Chairman of the Special Medical Advisory Group established under section 7312 of this title.

“(F) One person who has held the position of Chief Medical Director (including service as Chief Medical Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the Commission.

“(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Chief Medical Director. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

“(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

“§ 306. Chief Benefits Director

“(a) There is in the Department a Chief Benefits Director, who is appointed by the President, by and with the advice and consent of the Senate. The Chief Benefits Director shall be appointed without regard to political affiliation or activity and solely on the basis of demonstrated ability in—

“(1) fiscal management; and

“(2) the administration of programs within the Veterans Benefits Administration or programs of similar content and scope.

“(b) The Chief Benefits Director is the head of, and is directly responsible to the Secretary for the operations of, the Veterans Benefits Administration.

“(c) The Chief Benefits Director shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Chief Benefits Director before the completion of the term for which the Chief Benefits Director was appointed, the President shall communicate the reasons for the removal to Congress.

“(d)(1) Whenever a vacancy in the position of Chief Benefits Director occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

“(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

“(A) Three persons representing education and training, real estate, mortgage finance, and related industries, and survivor benefits activities affected by the Veterans Benefits Administration.

“(B) Two persons representing veterans served by the Veterans Benefits Administration.

“(C) Two persons who have experience in the management of veterans benefits programs or programs of similar content and scope.

“(D) The Deputy Secretary of Veterans Affairs.

“(E) The chairman of the Veterans' Advisory Committee on Education formed under section 3692 of this title.

“(F) One person who has held the position of Chief Benefits Director (including service as Chief Benefits Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the Commission.

“(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Chief Benefits Director. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

“(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

“§ 307. Director of the National Cemetery System

“There is in the Department a Director of the National Cemetery System, who is appointed by the President, by and with the advice and consent of the Senate. The Director is the head of the National Cemetery System as established in section 2400 of this title and shall perform such functions as may be assigned by the Secretary.

“§ 308. Assistant Secretaries; Deputy Assistant Secretaries

“(a) There shall be in the Department not more than six Assistant Secretaries. Each Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

“(b) The Secretary shall assign to the Assistant Secretaries responsibility for the administration of such functions and duties as the Secretary considers appropriate, including the following functions:

“(1) Budgetary and financial functions.

“(2) Personnel management and labor relations functions.

“(3) Planning, studies, and evaluations.

“(4) Management, productivity, and logistic support functions.

“(5) Information management functions as required by section 3506 of title 44.

“(6) Capital facilities and real property program functions.

“(7) Equal opportunity functions.

“(8) Functions regarding the investigation of complaints of employment discrimination within the Department.

“(9) Functions regarding intergovernmental, public, and consumer information and affairs.

“(10) Procurement functions.

President.

“(c) Whenever the President nominates an individual for appointment as an Assistant Secretary, the President shall include in the communication to the Senate of the nomination a statement of the particular functions of the Department specified in subsection (b), and any other functions of the Department, the individual will exercise upon taking office.

“(d)(1) There shall be in the Department such number of Deputy Assistant Secretaries, not exceeding 18, as the Secretary may determine. Each Deputy Assistant Secretary shall be appointed by the Secretary and shall perform such functions as the Secretary prescribes.

“(2) At least two-thirds of the number of positions established and filled under paragraph (1) shall be filled by individuals who have at least five years of continuous service in the Federal civil service in the executive branch immediately preceding their appointment as a Deputy Assistant Secretary. For purposes of determining such continuous service of an individual, there shall be excluded any service by such individual in a position—

“(A) of a confidential, policy-determining, policy-making, or policy-advocating character;

“(B) in which such individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5; or

“(C) to which such individual was appointed by the President.

“§ 309. Chief Financial Officer

“The Secretary shall designate the Assistant Secretary whose functions include budgetary and financial functions as the Chief Financial Officer of the Department. The Chief Financial Officer shall advise the Secretary on financial management of the Department and shall exercise the authority and carry out the functions specified in section 902 of title 31.

“§ 310. Chief Information Resources Officer

“(a) The Secretary shall designate the Assistant Secretary whose functions include information management functions (as required by section 3506 of title 44) as the Chief Information Resources Officer of the Department.

“(b) The Chief Information Resources Officer shall advise the Secretary on information and management activities of the Department as required by section 3506 of title 44.

“(c) The Chief Information Resources Officer shall develop and maintain an information resources management system for the Department that provides for—

“(1) the conduct of, and accountability for, any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

“(2) the implementation of all applicable Governmentwide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork

reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resources management functions;

“(3) the periodic evaluation of and (as needed) the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained within Department information systems; and

“(4) the development and annual revision of a five-year plan for meeting the Department’s information technology needs.

“(d) The Chief Information Resources Officer shall report directly to the Secretary in carrying out the duties of the Chief Information Resources Officer under this section and under chapter 35 of title 44.

“§ 311. General Counsel

“There is in the Department the Office of the General Counsel. There is at the head of the office a General Counsel, who is appointed by the President, by and with the advice and consent of the Senate. The General Counsel is the chief legal officer of the Department and provides legal assistance to the Secretary concerning the programs and policies of the Department.

“§ 312. Inspector General

“(a) There is in the Department an Inspector General, who is appointed by the President, by and with the advice and consent of the Senate, as provided in the Inspector General Act of 1978 (5 U.S.C. App. 3). The Inspector General performs the functions, has the responsibilities, and exercises the powers specified in that Act.

“(b)(1) The Secretary shall provide for not less than 40 full-time positions in the Office of Inspector General in addition to the number of such positions in that office on March 15, 1989.

“(2) The President shall include in the budget transmitted to the Congress for each fiscal year pursuant to section 1105 of title 31 an estimate of the amount for the Office of Inspector General that is sufficient to provide for a number of full-time positions in that office that is not less than the number of full-time positions in that office on March 15, 1989, plus 40.

“(3) The Secretary shall provide the number of additional full-time positions in the Office of Inspector General required by paragraph (1) not later than September 30, 1991.

“§ 313. Availability of appropriations

“(a) Funds appropriated to the Department may remain available until expended.

“(b) Funds appropriated to the Department may not be used for a settlement of more than \$1,000,000 on a construction contract unless—

“(1) the settlement is audited by an entity outside the Department for reasonableness and appropriateness of expenditures; and

“(2) the settlement is provided for specifically in an appropriation law.

“§ 314. Central Office

“The Central Office of the Department shall be in the District of Columbia.

“§ 315. Regional offices

“(a) The Secretary may establish such regional offices and such other field offices within the United States, its Territories, Commonwealths, and possessions, as the Secretary considers necessary.

“(b) The Secretary may maintain a regional office in the Republic of the Philippines until September 30, 1991.

“§ 316. Colocation of regional offices and medical centers

“(a) To provide for a more economical, efficient, and effective operation of such regional offices, the Secretary shall provide for the colocation of at least three regional offices with medical centers of the Department—

“(1) on real property under the jurisdiction of the Department of Veterans Affairs at such medical centers; or

“(2) on real property that is adjacent to such a medical center and is under the jurisdiction of the Department as a result of being conveyed to the United States for the purpose of such colocation.

“(b)(1) In carrying out this section and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party at not more than seven locations any of the real property described in paragraph (1) or (2) of subsection (a).

“(2) Such real property shall be used as the site of a facility—

“(A) constructed and owned by the lessee of such real property; and

“(B) leased under subsection (c)(1) to the Department for such use and such other activities as the Secretary determines are appropriate.

“(c)(1) The Secretary may enter into a lease for the use of any facility described in subsection (b)(2) for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

“(2) Each agreement for such a lease shall provide—

“(A) that the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

“(B) that the ownership of the facility shall vest in the United States at the end of such lease.

“(d)(1) The Secretary may sublease any space in such a facility to another party at a rate not less than—

“(A) the rental rate paid by the Secretary for such space under subsection (c); plus

“(B) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

“(2) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

“(e) The Secretary shall use the receipts of any payment for the lease of real property under subsection (b) for the payment of the lease of a facility under subsection (c).

“(f)(1) Subject to paragraph (3)(A), the Secretary shall, not later than April 18, 1990, issue an invitation for offers with respect to three colocations to be carried out under this section. The invitation

shall include, with respect to each such colocation, at least the following:

“(A) Identification of the site to be developed.

“(B) Minimum office space requirements for regional office activities.

“(C) Design criteria of the facility to be constructed.

“(D) A plan for meeting the security and parking needs for the facility and its occupants and visitors.

“(E) A statement of current and projected rents and other costs for regional office activities.

“(F) The estimated cost of construction of the facility concerned, the estimated annual cost of leasing space for regional office activities in the facility, and the estimated total annual cost of leasing all space in such facility.

“(G) A plan for securing appropriate licenses, easements, and rights-of-way.

“(H) A list of terms and conditions the Secretary has approved for inclusion in the lease agreement for the facility concerned.

“(2) Subject to paragraph (3)(B), the Secretary shall—

“(A) not later than one year after the date on which the invitation is issued under paragraph (1), enter into an agreement to carry out one colocation under this subsection; and

“(B) within 180 days after entering into the agreement referred to in subparagraph (A), enter into agreements to carry out two additional colocations,

unless the Secretary determines that it is not economically feasible for the Department to undertake them, taking into consideration all of the tangible and intangible benefits associated with such colocations.

“(3) The Secretary shall—

“(A) at least 10 days before the issuance or other publication of the invitation referred to in paragraph (1), submit a copy of the invitation to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

“(B) at least 30 days before entering into an agreement under paragraph (2), submit a copy to the Committees on Veterans' Affairs of the Senate and House of Representatives of the proposals selected by the Secretary from those received in response to the invitation issued under paragraph (1).

“(g) The authority to enter into an agreement under this section shall expire on September 30, 1992.

“CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

“SUBCHAPTER I—GENERAL AUTHORITIES

“Sec.

“501. Rules and regulations.

“502. Judicial review of rules and regulations.

“503. Administrative error; equitable relief.

“505. Opinions of Attorney General.

“510. Authority to reorganize offices.

“511. Decisions of the Secretary; finality.

“512. Delegation of authority; assignment of functions and duties.

“513. Contracts and personal services.

“515. Administrative settlement of tort claims.

"SUBCHAPTER II—SPECIFIED FUNCTIONS

- "521. Assistance to certain rehabilitation activities.
- "522. Studies of rehabilitation of disabled persons.
- "523. Coordination and promotion of other programs affecting veterans and their dependents.
- "525. Publication of laws relating to veterans.
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"SUBCHAPTER III—ADVISORY COMMITTEES

- "541. Advisory Committee on Former Prisoners of War.
- "542. Advisory Committee on Women Veterans.

"SUBCHAPTER I—GENERAL AUTHORITIES

"§ 501. Rules and regulations

"(a) The Secretary has authority to prescribe all rules and regulations which are necessary or appropriate to carry out the laws administered by the Department and are consistent with those laws, including—

"(1) regulations with respect to the nature and extent of proof and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws;

"(2) the forms of application by claimants under such laws;

"(3) the methods of making investigations and medical examinations; and

"(4) the manner and form of adjudications and awards.

"(b) Any rule, regulation, guideline, or other published interpretation or order (and any amendment thereto) issued pursuant to the authority granted by this section or any other provision of this title shall contain citations to the particular section or sections of statutory law or other legal authority upon which such issuance is based. The citation to the authority shall appear immediately following each substantive provision of the issuance.

"(c) In applying section 552(a)(1) of title 5 to the Department, the Secretary shall ensure that subparagraphs (C), (D), and (E) of that section are complied with, particularly with respect to opinions and interpretations of the General Counsel.

"(d) The provisions of section 553 of title 5 shall apply, without regard to subsection (a)(2) of that section, to matters relating to loans, grants, or benefits under a law administered by the Secretary.

"§ 502. Judicial review of rules and regulations

"An action of the Secretary to which section 552(a)(1) or 553 of title 5 (or both) refers (other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title) is subject to judicial review. Such review shall be in accordance with chapter 7 of title 5 and may be sought only in the United States Court of Appeals for the Federal Circuit. However, if such review is sought in connection with an appeal brought under the provisions of chapter 72 of this title, the provisions of that chapter shall apply rather than the provisions of chapter 7 of title 5.

"§ 503. Administrative error; equitable relief

"(a) If the Secretary determines that benefits administered by the Department have not been provided by reason of administrative error on the part of the Federal Government or any of its employees,

the Secretary may provide such relief on account of such error as the Secretary determines equitable, including the payment of moneys to any person whom the Secretary determines is equitably entitled to such moneys.

“(b) If the Secretary determines that a veteran, surviving spouse, child of a veteran, or other person has suffered loss as a consequence of reliance upon a determination by the Department of eligibility or entitlement to benefits, without knowledge that it was erroneously made, the Secretary may provide such relief on account of such error as the Secretary determines is equitable, including the payment of moneys to any person whom the Secretary determines is equitably entitled to such moneys.

“(c) Not later than April 1 of each year, the Secretary shall submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief under this section during the preceding calendar year.

Reports.

“§ 505. Opinions of Attorney General

“The Secretary may require the opinion of the Attorney General on any question of law arising in the administration of the Department.

“§ 510. Authority to reorganize offices

“(a) Except to the extent inconsistent with law, the Secretary may—

“(1) consolidate, eliminate, abolish, or redistribute the functions of the Administrations, offices, facilities, or activities in the Department;

“(2) create new Administrations, offices, facilities, or activities in the Department; and

“(3) fix the functions of any such Administration, office, facility, or activity and the duties and powers of their respective executive heads.

“(b) The Secretary may not in any fiscal year implement an administrative reorganization described in subsection (c) unless the Secretary first submits to the appropriate committees of the Congress a report containing a detailed plan and justification for the administrative reorganization. No action to carry out such reorganization may be taken after the submission of such report until the end of a 90-day period of continuous session of Congress following the date of the submission of the report. For purposes of the preceding sentence, continuity of a session of Congress is broken only by adjournment sine die, and there shall be excluded from the computation of such 90-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

“(c) An administrative reorganization described in this subsection is an administrative reorganization of a covered field office or facility that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility—

“(1) by 15 percent or more; or

“(2) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 25 percent or more.

“(d)(1) Not less than 30 days before the date on which the implementation of any administrative reorganization described in paragraph (2) of a unit in the Central Office is to begin, the Secretary shall transmit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a notification regarding the reorganization.

“(2) Paragraph (1) applies to an administrative reorganization of any unit of the Central Office that is the duty station for 30 or more employees if the reorganization involves a reduction in any fiscal year in the number of full-time equivalent employees with permanent duty station in such unit by 50 percent or more.

“(e) For purposes of this section, the term ‘administrative reorganization’ does not include a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Administration at a Department medical and regional office center, if after the consolidation or redistribution the same number of full-time equivalent employees continues to perform the affected functions at that field office, facility, or center.

“(f) For purposes of this section:

“(1) The term ‘covered field office or facility’ means a Department office or facility outside the Central Office that is the permanent duty station for 25 or more employees or that is a free-standing outpatient clinic.

“(2) The term ‘detailed plan and justification’ means, with respect to an administrative reorganization, a written report that, at a minimum, includes the following:

“(A) Specification of the number of employees by which each covered office or facility affected is to be reduced, the responsibilities of those employees, and the means by which the reduction is to be accomplished.

“(B) Identification of any existing or planned office or facility at which the number of employees is to be increased and specification of the number and responsibilities of the additional employees at each such office or facility.

“(C) A description of the changes in the functions carried out at any existing office or facility and the functions to be assigned to an office or facility not in existence on the date that the plan and justification are submitted pursuant to subsection (b).

“(D) An explanation of the reasons for the determination that the reorganization is appropriate and advisable in terms of the statutory missions and long-term goals of the Department.

“(E) A description of the effects that the reorganization may have on the provision of benefits and services to veterans and dependents of veterans (including the provision of benefits and services through offices and facilities of the Department not directly affected by the reorganization).

“(F) Estimates of the costs of the reorganization and of the cost impact of the reorganization, together with analyses supporting those estimates.

“§ 511. Decisions of the Secretary; finality

“(a) The Secretary shall decide all questions of law and fact necessary to a decision by the Secretary under a law that affects the provision of benefits by the Secretary to veterans or the dependents

or survivors of veterans. Subject to subsection (b), the decision of the Secretary as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.

“(b) The second sentence of subsection (a) does not apply to—

- “(1) matters subject to section 502 of this title;
- “(2) matters covered by sections 1975 and 1984 of this title;
- “(3) matters arising under chapter 37 of this title; and
- “(4) matters covered by chapter 72 of this title.

“§ 512. Delegation of authority; assignment of functions and duties

“(a) Except as otherwise provided by law, the Secretary may assign functions and duties, and delegate, or authorize successive redelegation of, authority to act and to render decisions, with respect to all laws administered by the Department, to such officers and employees as the Secretary may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Secretary.

“(b) There shall be included on the technical and administrative staff of the Secretary such staff officers, experts, inspectors, and assistants (including legal assistants) as the Secretary may prescribe.

“§ 513. Contracts and personal services

“The Secretary may, for purposes of all laws administered by the Department, accept uncompensated services, and enter into contracts or agreements with private or public agencies or persons (including contracts for services of translators without regard to any other law), for such necessary services (including personal services) as the Secretary may consider practicable. The Secretary may also enter into contracts or agreements with private concerns or public agencies for the hiring of passenger motor vehicles or aircraft for official travel whenever, in the Secretary's judgment, such arrangements are in the interest of efficiency or economy.

“§ 515. Administrative settlement of tort claims

“(a)(1) Notwithstanding the limitations contained in section 2672 of title 28, the Secretary may settle a claim for money damages against the United States cognizable under section 1346(b) or 2672 of title 28 or section 7316 of this title to the extent the authority to do so is delegated to the Secretary by the Attorney General. Such delegation may not exceed the authority delegated by the Attorney General to United States attorneys to settle claims for money damages against the United States.

“(2) For purposes of this subsection, the term ‘settle’, with respect to a claim, means consider, ascertain, adjust, determine, and dispose of the claim, whether by full or partial allowance or by disallowance.

“(b) The Secretary may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, when such claims arise in foreign countries in connection with Department operations abroad. A claim may not be allowed under this subsection unless it is presented in writing to the Secretary within two years after the claim accrues.

"SUBCHAPTER II—SPECIFIED FUNCTIONS

"§ 521. Assistance to certain rehabilitation activities

"(a) The Secretary may assist any organization named in or approved under section 5902 of this title in providing recreational activities which would further the rehabilitation of disabled veterans. Such assistance may be provided only if—

"(1) the activities are available to disabled veterans on a national basis; and

"(2) a significant percentage of the individuals participating in the activities are eligible for rehabilitative services under chapter 17 of this title.

"(b) The Secretary may accept from any appropriate source contributions of funds and of other assistance to support the Secretary's provision of assistance for such activities.

"(c)(1) Subject to paragraph (2), the Secretary may authorize the use, for purposes approved by the Secretary in connection with the activity involved, of the seal and other official symbols of the Department and the name 'Department of Veterans Affairs' by—

"(A) any organization which provides an activity described in subsection (a) with assistance from the Secretary; and

"(B) any individual or entity from which the Secretary accepts a significant contribution under subsection (b) or an offer of such a contribution.

"(2) The use of such seal or name of any official symbol of the Department in an advertisement may be authorized by the Secretary under this subsection only if—

"(A) the Secretary has approved the advertisement; and

"(B) the advertisement contains a clear statement that no product, project, or commercial line of endeavor referred to in the advertisement is endorsed by the Department of Veterans Affairs.

"§ 522. Studies of rehabilitation of disabled persons

"(a) The Secretary may conduct studies and investigations, and prepare reports, relative to the rehabilitation of disabled persons, the relative abilities, aptitudes, and capacities of the several groups of the variously handicapped, and how their potentialities can best be developed and their services best used in gainful and suitable employment including the rehabilitation programs of foreign nations.

"(b) In carrying out this section, the Secretary (1) may cooperate with such public and private agencies as the Secretary considers advisable; and (2) may employ consultants who shall receive a reasonable per diem, as prescribed by the Secretary, for each day actually employed, plus necessary travel and other expenses.

"§ 523. Coordination and promotion of other programs affecting veterans and their dependents

"(a) The Secretary shall seek to achieve (1) the maximum feasible effectiveness, coordination, and interrelationship of services among all programs and activities affecting veterans and their dependents carried out by and under all other departments, agencies, and instrumentalities of the executive branch, and (2) the maximum feasible coordination of such programs with programs carried out under this title. The Secretary shall actively promote the effective

implementation, enforcement, and application of all provisions of law and regulations providing for special consideration, emphasis, or preference for veterans.

“(b) The Secretary shall seek to achieve the effective coordination of the provision, under laws administered by the Department, of benefits and services (and information about such benefits and services) with appropriate programs (and information about such programs) conducted by State and local governmental agencies and by private entities at the State and local level. In carrying out this subsection, the Secretary shall place special emphasis on veterans who are 65 years of age or older.

“§ 525. Publication of laws relating to veterans

“(a) The Secretary may compile and publish all Federal laws relating to veterans’ relief, including laws administered by the Department as well as by other agencies of the Government. Such compilation and publication shall be in such form as the Secretary considers advisable for the purpose of making currently available in convenient form for the use of the Department and full-time representatives of the several service organizations an annotated, indexed, and cross-referenced statement of the laws providing veterans’ relief.

“(b) The Secretary may maintain such compilation on a current basis either by the publication, from time to time, of supplementary documents or by complete revision of the compilation.

“(c) The distribution of the compilation to the representatives of the several service organizations shall be as determined by the Secretary.

“§ 527. Evaluation and data collection

“(a) The Secretary, pursuant to general standards which the Secretary shall prescribe in regulations, shall measure and evaluate on a continuing basis the effect of all programs authorized under this title, in order to determine their effectiveness in achieving stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services. Such information as the Secretary may consider necessary for purposes of such evaluations shall be made available to the Secretary, upon request, by all departments, agencies, and instrumentalities of the executive branch.

“(b) In carrying out this section, the Secretary shall collect, collate, and analyze on a continuing basis full statistical data regarding participation (including the duration thereof), provision of services, categories of beneficiaries, planning and construction of facilities, acquisition of real property, proposed excessing of land, accretion and attrition of personnel, and categorized expenditures attributable thereto, under all programs carried out under this title.

“(c) The Secretary shall make available to the public, and on a regular basis provide to the appropriate committees of the Congress, copies of all completed evaluative research studies and summaries of evaluations of program impact and effectiveness carried out, and tabulations and analyses of all data collected, under this section.

Public
information.

“§ 529. Annual report to Congress

“The Secretary shall submit annually, at the close of each fiscal year, a report in writing to Congress. Each such report shall—

- “(1) give an account of all moneys received and disbursed by the Department for such fiscal year;
- “(2) describe the work done during such fiscal year; and
- “(3) state the activities of the Department for such fiscal year.

“SUBCHAPTER III—ADVISORY COMMITTEES

“§ 541. Advisory Committee on Former Prisoners of War

Establishment.

“(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the ‘Committee’).

“(2)(A) The members of the Committee shall be appointed by the Secretary from the general public and shall include—

“(i) appropriate representatives of veterans who are former prisoners of war;

“(ii) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

“(iii) appropriate representatives of disabled veterans.

“(B) The Committee shall also include, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees.

“(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that the term of service of any such member may not exceed three years.

“(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title for veterans who are former prisoners of war and the needs of such veterans with respect to compensation, health care, and rehabilitation.

Reports.

“(c)(1) Not later than July 1 of each odd-numbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are former prisoners of war. Each such report shall include—

“(A) an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation;

“(B) a review of the programs and activities of the Department designed to meet such needs; and

“(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers to be appropriate.

“(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

“(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

“(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted to the Congress pursuant to that section.

“§ 542. Advisory Committee on Women Veterans

“(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as ‘the Committee’). Establishment.

“(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

“(i) representatives of women veterans;

“(ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

“(iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability.

“(B) The Committee shall include, as ex officio members—

“(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans’ Employment);

“(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense after consultation with the Defense Advisory Committee on Women in the Services); and

“(iii) the Chief Medical Director and the Chief Benefits Director, or their designees.

“(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

“(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

“(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for women veterans, reports and studies pertaining to women veterans and the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

“(c)(1) Not later than July 1 of each even-numbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to women veterans. Each such report shall include— Reports.

“(A) an assessment of the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

“(B) a review of the programs and activities of the Department designed to meet such needs; and

“(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

“(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

“(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

“(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

“CHAPTER 7—EMPLOYEES

“Sec.

“701. Placement of employees in military installations.

“703. Miscellaneous authorities respecting employees.

“705. Telephone service for medical officers and facility directors.

“707. Benefits for employees at overseas offices who are United States citizens.

“709. Employment restrictions.

“711. Grade reductions.

“§ 701. Placement of employees in military installations

“The Secretary may place employees of the Department in such Army, Navy, and Air Force installations as may be considered advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Armed Forces who are about to be discharged or released from active military, naval, or air service.

“§ 703. Miscellaneous authorities respecting employees

“(a) The Secretary may furnish and launder such wearing apparel as may be prescribed for employees in the performance of their official duties.

“(b) The Secretary may transport children of Department employees located at isolated stations to and from school in available Government-owned automotive equipment.

“(c) The Secretary may provide recreational facilities, supplies, and equipment for the use of patients in hospitals and employees in isolated installations.

“(d) The Secretary may provide for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures, and other visual educational information and descriptive material. For the purposes of the preceding sentence, the Secretary may purchase or rent equipment.

“(e) The Secretary may reimburse employees for the cost of repairing or replacing their personal property damaged or destroyed by patients or domiciliary members while such employees are engaged in the performance of their official duties.

“(f)(1) The Secretary, upon determining that an emergency situation exists and that such action is necessary for the effective conduct of the affairs of the Department, may use Government-owned, or leased, vehicles to transport employees to and from their place of employment and the nearest adequate public transportation or, if such public transportation is either unavailable or not feasible to use, to and from their place of employment and their home.

“(2) The Secretary shall establish reasonable rates to cover the cost of the service rendered under this subsection, and all proceeds collected therefrom shall be applied to the applicable appropriation.

“§ 705. Telephone service for medical officers and facility directors

“The Secretary may pay for official telephone service and rental in the field whenever incurred in case of official telephones for directors of centers, hospitals, independent clinics, domiciliaries, and medical officers of the Department where such telephones are installed in private residences or private apartments or quarters, when authorized under regulations prescribed by the Secretary.

“§ 707. Benefits for employees at overseas offices who are United States citizens

“(a) The Secretary may, under such rules and regulations as may be prescribed by the President or the President’s designee, provide to personnel of the Department who are United States citizens and are assigned by the Secretary to the Department offices in the Republic of the Philippines allowances and benefits similar to those provided by the following provisions of law:

“(1) Section 905 of the Foreign Service Act of 1980 (relating to allowances to provide for the proper representation of the United States).

“(2) Sections 901 (1), (2), (3), (4), (7), (8), (9), (11), and (12) of the Foreign Service Act of 1980 (relating to travel expenses).

“(3) Section 901(13) of the Foreign Service Act of 1980 (relating to transportation of automobiles).

“(4) Section 903 of the Foreign Service Act of 1980 (relating to the return of personnel to the United States on leave of absence).

“(5) Section 904(d) of the Foreign Service Act of 1980 (relating to payments by the United States of expenses for treating illness or injury of officers or employees and dependents requiring hospitalization).

“(6) Section 5724a(a)(3) of title 5 (relating to subsistence expenses for 60 days in connection with the return to the United States of the employee and such employee’s immediate family).

“(7) Section 5724a(a)(4) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its territories or possessions, or the Commonwealth of Puerto Rico).

“(b) The authority in subsection (a) supplements, but is not in lieu of, other allowances and benefits for overseas employees of the Department provided by title 5 and the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.).

“§ 709. Employment restrictions

“(a)(1) Notwithstanding section 3134(d) of title 5, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not at any time exceed 5 percent of the average number of senior executives employed in Senior Executive Service positions in the Department during the preceding fiscal year.

“(2) For purposes of this subsection, the average number of senior executives employed in Senior Executive Service positions in the Department during a fiscal year shall be equal to 25 percent of the sum of the total number of senior executives employed in Senior Executive Service positions in the Department on the last day of each quarter of such fiscal year.

“(b) The number of positions in the Department which may be excepted from the competitive service, on a temporary or permanent basis, because of their confidential or policy-determining character may not at any time exceed the equivalent of 15 positions.

“(c)(1) Political affiliation or activity may not be taken into account in connection with the appointment of any person to any position in or to perform any service for the Department or in the assignment or advancement of any employee in the Department.

“(2) Paragraph (1) shall not apply—

“(A) to the appointment of any person by the President under this title, other than the appointment of the Chief Medical Director, the Chief Benefits Director, and the Inspector General; or

“(B) to the appointment of any person to (i) a Senior Executive Service position as a noncareer appointee, or (ii) a position that is excepted from the competitive service, on a temporary or permanent basis, because of the confidential or policy-determining character of the position.

“§ 711. Grade reductions

Reports.

“(a) The Secretary may not implement a grade reduction described in subsection (b) unless the Secretary first submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a detailed plan for such reduction and a detailed justification for the plan. The report shall include a determination by the Secretary (together with data supporting such determination) that, in the personnel area concerned, the Department has a disproportionate number of employees at the salary grade or grades selected for reduction in comparison to the number of such employees at the salary levels involved who perform comparable functions in other departments and agencies of the Federal Government and in non-Federal entities. Any grade reduction described in such report may not take effect until the end of a period of 90 calendar days (not including any day on which either House of Congress is not in session) after the report is received by the committees.

“(b) A grade reduction referred to in subsection (a) is a systematic reduction, for the purpose of reducing the average salary cost for Department employees described in subsection (c), in the number of such Department employees at a specific grade level.

“(c) The employees referred to in subsection (b) are—

“(1) health-care personnel who are determined by the Secretary to be providing either direct patient-care services or services incident to direct patient-care services;

“(2) individuals who meet the definition of professional employee as set forth in section 7103(a)(15) of title 5; and

“(3) individuals who are employed as computer specialists.

Reports.

“(d) Not later than the 45th day after the Secretary submits a report under subsection (a), the Comptroller General shall submit to such Committees a report on the Secretary's compliance with such subsection. The Comptroller General shall include in the report the Comptroller General's opinion as to the accuracy of the Secretary's determination (and of the data supporting such determination) made under such subsection.

“(e) In the case of Department employees not described in subsection (c), the Secretary may not in any fiscal year implement a systematic reduction for the purpose of reducing the average salary

cost for such Department employees that will result in a reduction in the number of such Department employees at any specific grade level at a rate greater than the rate of the reductions systematically being made in the numbers of employees at such grade level in all other agencies and departments of the Federal Government combined.

“CHAPTER 9—SECURITY AND LAW ENFORCEMENT ON PROPERTY UNDER THE JURISDICTION OF THE DEPARTMENT

“Sec.

“901. Authority to prescribe rules for conduct and penalties for violations.

“902. Enforcement and arrest authority of Department police officers.

“903. Uniform allowance.

“904. Equipment and weapons.

“905. Use of facilities and services of other law enforcement agencies.

“§ 901. Authority to prescribe rules for conduct and penalties for violations

“(a)(1) The Secretary shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on Department property.

“(2) In this chapter, the term ‘Department property’ means land and buildings that are under the jurisdiction of the Department and are not under control of the Administrator of General Services.

“(b) Regulations under subsection (a) shall include—

“(1) rules for conduct on Department property; and

“(2) the penalties, within the limits specified in subsection (c), for violations of such rules.

“(c) Whoever violates any rule prescribed by regulation under subsection (b)(1) shall be fined in accordance with title 18 or imprisoned not more than six months, or both. The Secretary may prescribe by regulation a maximum fine less than that which would otherwise apply under the preceding sentence or a maximum term of imprisonment of a shorter period than that which would otherwise apply under the preceding sentence, or both. Any such regulation shall apply notwithstanding any provision of title 18 or any other law to the contrary.

“(d) The rules prescribed under subsection (a), together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.

“(e) The Secretary shall consult with the Attorney General before prescribing regulations under this section.

“§ 902. Enforcement and arrest authority of Department police officers

“(a)(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property, enforce—

“(A) Federal laws;

“(B) the rules prescribed under section 901 of this title; and

“(C) subject to paragraph (2), traffic and motor vehicle laws of a State or local government within the jurisdiction of which such Department property is located.

“(2) A law described in subparagraph (C) of paragraph (1) may be enforced under such subparagraph only as authorized by an express

grant of authority under applicable State or local law. Any such enforcement shall be by the issuance of a citation for violation of such law.

“(3) Subject to regulations prescribed under subsection (b), a Department police officer may make arrests on Department property for a violation of a Federal law or any rule prescribed under section 901(a) of this title.

Regulations.

“(b) The Secretary shall prescribe regulations with respect to Department police officers. Such regulations shall include—

“(1) policies with respect to the exercise by Department police officers of the enforcement and arrest authorities provided by this section;

“(2) the scope and duration of training that is required for Department police officers, with particular emphasis on dealing with situations involving patients; and

“(3) rules limiting the carrying and use of weapons by Department police officers.

“(c) The Secretary shall consult with the Attorney General before prescribing regulations under paragraph (1) of subsection (b).

“(d) Rates of basic pay for Department police officers may be increased by the Secretary under section 7455 of this title.

“§ 903. Uniform allowance

“(a) The Secretary may pay an allowance under this section for the purchase of uniforms to any Department police officer who is required to wear a prescribed uniform in the performance of official duties.

“(b) The amount of the allowance that the Secretary may pay under this section—

“(1) may be based on estimated average costs or actual costs;

“(2) may vary by geographic regions; and

“(3) except as provided in subsection (c), may not exceed \$200 in a fiscal year for any police officer.

“(c) The amount of an allowance under this section may be increased to an amount up to \$400 for not more than one fiscal year in the case of any Department police officer. In the case of a person who is appointed as a Department police officer on or after January 1, 1990, an allowance in an amount established under this subsection shall be paid at the beginning of such person's employment as such an officer. In the case of any other Department police officer, an allowance in an amount established under this subsection shall be paid upon the request of the officer.

“(d) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this section shall repay to the Department a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on which such officer began such employment or the date on which the officer submitted a request for such an allowance, as the case may be.

“(e) An allowance may not be paid to a Department police officer under this section and under section 5901 of title 5 for the same fiscal year.

“§ 904. Equipment and weapons

“The Secretary shall furnish Department police officers with such weapons and related equipment as the Secretary determines to be necessary and appropriate.

“§ 905. Use of facilities and services of other law enforcement agencies

“With the permission of the head of the agency concerned, the Secretary may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so.”

(b) VETERANS BENEFITS ADMINISTRATION.—Part V of title 38, United States Code, is amended by inserting after chapter 76 the following new chapter:

**“CHAPTER 77—VETERANS BENEFITS
ADMINISTRATION**

“SUBCHAPTER I—ORGANIZATION; GENERAL

“Sec.

“7701. Organization of the Administration.

“7703. Functions of the Administration.

“SUBCHAPTER II—VETERANS OUTREACH SERVICES PROGRAM

“7721. Purpose; definitions.

“7722. Outreach services.

“7723. Veterans assistance offices.

“7724. Outstationing of counseling and outreach personnel.

“7725. Use of other agencies.

“7726. Annual report to Congress.

“SUBCHAPTER I—ORGANIZATION; GENERAL

“§ 7701. Organization of the Administration

“(a) There is in the Department of Veterans Affairs a Veterans Benefits Administration. The primary function of the Veterans Benefits Administration is the administration of nonmedical benefits programs of the Department which provide assistance to veterans and their dependents and survivors.

“(b) The Veterans Benefits Administration is under the Chief Benefits Director, who is directly responsible to the Secretary for the operations of the Administration.

“§ 7703. Functions of the Administration

“The Veterans Benefits Administration is responsible for the administration of the following programs of the Department:

“(1) Compensation and pension programs.

“(2) Vocational rehabilitation and educational assistance programs.

“(3) Veterans’ housing loan programs.

“(4) Veterans’ and servicemembers’ life insurance programs.

“(5) Outreach programs and other veterans’ services programs.

"SUBCHAPTER II—VETERANS OUTREACH SERVICES
PROGRAM

"§ 7721. Purpose; definitions

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of ensuring that all veterans (especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Department) are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Department with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

"(b) For the purposes of this subchapter—

"(1) the term 'other governmental programs' includes all programs under State or local laws as well as all programs under Federal law other than those authorized by this title; and

"(2) the term 'eligible dependent' means an 'eligible person' as defined in section 3501(a)(1) of this title.

"§ 7722. Outreach services

"(a) In carrying out the purposes of this subchapter, the Secretary shall provide the outreach services specified in subsections (b) through (d). In areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal language, such services shall, to the maximum feasible extent, be provided in the principal language of such persons.

"(b) The Secretary shall by letter advise each veteran at the time of the veteran's discharge or release from active military, naval, or air service (or as soon as possible after such discharge or release) of all benefits and services under laws administered by the Department for which the veteran may be eligible. In carrying out this subsection, the Secretary shall ensure, through the use of veteran-student services under section 3485 of this title, that contact, in person or by telephone, is made with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release.

"(c) The Secretary shall distribute full information to eligible veterans and eligible dependents regarding all benefits and services to which they may be entitled under laws administered by the Department and may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which the Secretary determines would be beneficial to veterans.

"(d) The Secretary shall provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents with respect to subsections (b) and (c) and in the preparation and presentation of claims under laws administered by the Department.

“§ 7723. Veterans assistance offices

“(a) The Secretary shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and in the Commonwealth of Puerto Rico, as the Secretary determines to be necessary to carry out the purposes of this subchapter. In establishing and maintaining such offices, the Secretary shall give due regard to—

“(1) the geographical distribution of veterans recently discharged or released from active military, naval, or air service;

“(2) the special needs of educationally disadvantaged veterans (including their need for accessibility of outreach services); and

“(3) the necessity of providing appropriate outreach services in less populated areas.

“(b) The Secretary shall establish and carry out all possible programs and services, including special telephone facilities, as may be necessary to make the outreach services provided for under this subchapter as widely available as possible.

“§ 7724. Outstationing of counseling and outreach personnel

“The Secretary may station employees of the Department at locations other than Department offices, including educational institutions, to provide counseling and other assistance regarding benefits under this title to veterans and other persons eligible for benefits under this title and to provide outreach services under this subchapter.

“§ 7725. Use of other agencies

“In carrying out this subchapter, the Secretary shall do the following:

“(1) Arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, including, where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Department.

“(2) In consultation with the Secretary of Labor, actively seek to promote the development and establishment of employment opportunities, training opportunities, and other opportunities for veterans, with particular emphasis on the needs of veterans with service-connected disabilities and other eligible veterans, taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

“(3) Cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization.

“(4) Where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization.

“(5) At the Secretary of Veterans Affairs discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services.

“(6) Conduct and provide for studies in consultation with appropriate Federal departments and agencies to determine the

most effective program design to carry out the purposes of this subchapter.

“§ 7726. Annual report to Congress

“The Secretary shall include in the annual report to the Congress required by section 529 of this title a report on the activities carried out under this subchapter. Each such report shall include an appraisal of the effectiveness of the programs authorized in this subchapter and recommendations for the improvement or more effective administration of those programs.”

(c) CROSS-REFERENCES TO PREVIOUS CHAPTER 3 SECTIONS.—

(1) Section 621 is amended by striking out “section 210(c)(1)” and inserting in lieu thereof “section 501(a)”.

(2) Section 1685(a)(1) is amended by striking out “subchapter IV of chapter 3” and inserting in lieu thereof “subchapter II of chapter 77”.

(3) The following sections are amended by striking out “section 214” and inserting in lieu thereof “section 529”: sections 618(c)(3), 654, 1521(c), 1833(c)(2), and 7101(c)(3).

(4) Section 2003A(b)(2) is amended by striking out “section 242” and inserting in lieu thereof “section 7723”.

(5) Section 2014(g) is amended by striking out “section 241” and “section 243” and inserting in lieu thereof “section 7722” and “section 7724”, respectively.

(6) Section 5701(g)(2)(A)(ii) is amended by striking out “section 219” and inserting in lieu thereof “section 527”.

(7) Section 7455(a)(2)(C) is amended by striking out “section 218” and inserting in lieu thereof “section 902”.

(d) TABLES OF CHAPTERS.—

(1) The table of chapters before part I is amended—

(A) by striking out the item relating to chapter 3 and inserting in lieu thereof the following:

“3. Department of Veterans Affairs.....	301
“5. Authority and Duties of the Secretary.....	501
“7. Employees.....	701
“9. Security and Law Enforcement on Property Under the Jurisdiction of the Department.....	901”;

and

(B) by inserting after the item relating to chapter 76 the following new item:

“77. Veterans Benefits Administration.....	7701”.
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(2) The table of chapters at the beginning of part I is amended by striking out the item relating to chapter 3 and inserting in lieu thereof the following:

“3. Department of Veterans Affairs.....	301
“5. Authority and Duties of the Secretary.....	501
“7. Employees.....	701
“9. Security and Law Enforcement on Property Under the Jurisdiction of the Department.....	901”.

(3) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

“77. Veterans Benefits Administration.....	7701”.
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SEC. 3. CONFORMING REPEALS TO DEPARTMENT OF VETERANS AFFAIRS ACT.

The following provisions of the Department of Veterans Affairs Act (Public Law 100-527) are repealed:

- (1) The second and third sentences of section 2.
- (2) The second sentence of section 7.
- (3) Sections 3, 4, 5, 8(a), 9(b), 12, and 16.

38 USC 201 note.
38 USC 201 note.
38 USC 201 note.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE, TO REFLECT THE ESTABLISHMENT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REFERENCES TO VETERANS' ADMINISTRATION.—

(1) Title 38 is amended by striking out "administered by the Veterans' Administration" each place it appears and inserting in lieu thereof "administered by the Secretary".

(2)(A) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary":

- (i) Subsections (d) and (e) of section 103.
- (ii) Section 620(f)(1)(B) (in the second sentence).
- (iii) In chapter 19—
 - (I) subsection (a) and the first sentence of subsection (b) of section 707;
 - (II) section 710;
 - (III) section 718(a);
 - (IV) subsections (a) and (b) (in two places) of section 722;
 - (V) section 746;
 - (VI) section 747 (in the last sentence);
 - (VII) section 784(a) (in each of the four places "Veterans' Administration" appears); and
 - (VIII) section 784(b) (in the sixth sentence).
- (iv) Section 1810(e)(2).
- (v) Paragraphs (4)(B) and (5)(B) of section 1812(a).
- (vi) Section 5110(n).
- (vii) Section 5301(e)(2).
- (viii) Section 5305 (in the last sentence).
- (ix) Subsection (a)(2) (in the first place "Veterans' Administration" appears), subsection (d) (in the last sentence), and subsection (e) (in the first place "Veterans' Administration" appears) of section 5502.
- (x) Section 5503(b)(1)(A).
- (xi) Paragraph (1) (in the first place "Veterans' Administration" appears), paragraph (2), and paragraph (3) of section 5701(c).
- (xii) Section 5702(a) (in two places).
- (xiii) Section 5703 (in each place "Veterans' Administration" appears).
- (xiv) Section 6105(a) (in the second sentence).

(B) The following provisions are amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs":

- (i) Section 113(b)(2)(A).
- (ii) Section 725(d)(3) (the second place "Veterans' Administration" appears).
- (iii) Section 777(g).
- (iv) Section 1814(d).
- (v) Section 1849(a).
- (vi) Sections 7601(a), 7611, and 7621.

(C) The following provisions of chapter 19 are amended by striking out "in the Veterans' Administration" and inserting in lieu thereof "by the Secretary":

- (i) The second sentence of section 707(b).
 - (ii) Section 712(b).
 - (iii) Section 742(c).
- (D) The following provisions of chapter 19 are amended by striking out “in the Veterans’ Administration” and inserting in lieu thereof “with the Secretary”:
- (i) Section 722(b)(3).
 - (ii) Section 784(b) (in the third sentence).
- (E) Section 601(4) is amended by striking out “Veterans’ Administration facilities” and inserting in lieu thereof “facilities of the Department”.
- (F) Section 5705(b) is amended—
- (i) by striking out “Veterans’ Administration patient or employee,” in paragraph (2) and inserting in lieu thereof “patient or employee of the Department,”; and
 - (ii) by striking out “Veterans’ Administration patients or employees” in paragraph (6) and inserting in lieu thereof “patients or employees of the Department.”
- (3) Such title is further amended by striking out “Veterans’ Administration” each place it appears (other than as amended under paragraphs (1) and (2) and as specified in paragraph (4)) and inserting in lieu thereof “Department”.
- (4) Paragraph (3) does not apply to the following provisions:
- (A) Section 532(c).
 - (B) Section 1000(b) (each place the term “Veterans’ Administration” appears).
 - (C) Section 1004(c)(2)(A).
 - (D) Section 5311.
- (5) Such title is further amended by striking out “non-Veterans’ Administration” each place it appears and inserting in lieu thereof “non-Department”.
- (6) Section 111(b)(3)(B) is amended by striking out “Veteran’s Administration facility” and inserting in lieu thereof “Department facility”.
- (b) REFERENCES TO ADMINISTRATOR.—
- (1) Title 38 is further amended by striking out “Administrator” and “Administrator’s” each place they appear (except as provided in paragraphs (2) and (9) and including where they appear in section headings and tables of sections) and inserting in lieu thereof “Secretary” and “Secretary’s”, respectively.
- (2)(A) Section 422 is amended—
- (i) in subsection (a), by striking out “Administrator” both places it appears and inserting in lieu thereof “Secretary of Veterans Affairs”; and
 - (ii) in subsection (b)—
 - (I) by striking out “Upon the basis of” and all that follows through “shall pay to the Secretary” and inserting in lieu thereof “The Secretary shall pay to the Secretary of Health and Human Services”; and
 - (II) by striking out “as the Secretary and the Administrator may prescribe” and inserting in lieu thereof “as the two Secretaries may prescribe, with the amount of such payments to be made on the basis of estimates made by the Secretary of Health and Human Services after consultation with the Secretary”.
- (B) Section 613(b)(1) is amended—

(i) by striking out “Administrator” and inserting in lieu thereof “Secretary of Veterans Affairs”;

(ii) by striking out “the Secretary” the second and third places it appears and inserting in lieu thereof “that Secretary”; and

(iii) by striking out “the Secretary” the last place it appears and inserting in lieu thereof “the Secretary of Defense”.

(C) Section 723(c) is amended by striking out “the Administrator and Secretary” at the end of the first sentence and inserting in lieu thereof “the two Secretaries”.

(D) Section 8153(d)(2) is amended by striking out “the Secretary and the Administrator” and inserting in lieu thereof “the two Secretaries”.

(E) Paragraph (1) does not apply to the following provisions:

(i) Section 101(1).

(ii) Section 111 the second place “Administrator” appears in subsection (g)(1) of that section.

(iii) Section 1652(b).

(iv) Section 5105.

(v) Section 7267(e) the second place “Administrator” appears.

(vi) Section 8111A(d).

(3)(A) The heading of section 423 is amended to read as follows:

“§ 423. Certifications with respect to circumstances of death”.

(B) The item relating to that section in the table of sections at the beginning of chapter 13 is amended to read as follows:

“423. Certifications with respect to circumstances of death.”.

(4) The following provisions are amended by striking out “the Secretary” and inserting in lieu thereof “that Secretary”:

(A) Section 560(b) (the second place “the Secretary” appears).

(B) Section 5110(j) (the second place “the Secretary” appears).

(C) Section 5301(c)(2) (the second, third, and fourth place “the Secretary” appears).

(5) Section 612(j) is amended by striking out “the Secretary” in the second and third sentences and inserting in lieu thereof “the Secretary of Health and Human Services”.

(6) Section 612A(h) is repealed.

(7) Section 1004(c)(2)(A) is amended by striking out “Secretary” the first place it appears and inserting in lieu thereof “Administrator of Veterans Affairs”.

(8) Section 2012 is amended by striking out “Secretary” each place it appears in subsections (c) and (d) and inserting in lieu thereof “Secretary of Labor”.

(9) Section 5105 is amended—

(A) by inserting “(a)” at the beginning of the text of the section;

(B) by striking out “Administrator” in the first sentence and inserting in lieu thereof “Secretary”;

(C) by striking out “; and” in the second sentence and inserting in lieu thereof a period;

(D) by striking out “when an application on such form has been filed with either the Administrator” and inserting in lieu thereof the following (indented so as to make the following text a new subsection):

“(b) When an application on such a form is filed with either the Secretary”;

(E) by striking out “filed with the Administrator” and inserting in lieu thereof “filed with either Secretary”;

(F) by striking out “received by the Administrator” and inserting in lieu thereof “received by that Secretary”;

(G) by striking out “needed by the Secretary” and inserting in lieu thereof “needed by the other Secretary”;

(H) by striking out “by the Administrator to the Secretary;” and inserting in lieu thereof “by the Secretary receiving the application to the other Secretary.”;

(I) by striking out “and a copy” and all that follows through “to the Administrator.”; and

(J) by striking out “the Secretary and the Administrator” in the last sentence and inserting in lieu thereof “the Secretary and the Secretary of Health and Human Services”.

(c) REFERENCES TO CHIEF LAW OFFICER.—Section 7104(c) is amended by striking out “chief law officer” and inserting in lieu thereof “chief legal officer of the Department”.

SEC. 5. REDESIGNATION OF SECTIONS OF CHAPTERS 11 THROUGH 42.

(a) REDESIGNATION OF SECTIONS TO CONFORM TO CHAPTER NUMBERS.—Each section contained in any of chapters 11 through 23 is redesignated by replacing the first digit of the section number with the number of the chapter containing that section. Each section contained in any of chapters 24 through 42 is redesignated so that the first two digits of the section number of that section are the same as the chapter number of the chapter containing that section.

(b) TABLES OF SECTIONS AND CHAPTERS.—(1) The tables of sections at the beginning of the chapters referred to in subsection (a) are revised so as to conform the section references in those tables to the redesignations made by that subsection.

(2) The table of chapters before part I and the tables of chapters at the beginning of parts I, II, and III are revised so as to conform the section references in those tables to the redesignations made by subsection (a).

(c) CROSS-REFERENCES.—(1) Each provision of title 38, United States Code, that contains a reference to a section redesignated by subsection (a) is amended so that the reference refers to the section as redesignated.

(2) Any reference in a provision of law other than title 38, United States Code, to a section redesignated by subsection (a) shall be deemed to refer to the section as so redesignated.

(d) RULE FOR EXECUTION.—The redesignations made by subsection (a) and the amendments made by subsections (b) and (c) shall be executed after any other amendments made by this Act.

SEC. 6. CONFORMING AMENDMENTS TO OTHER VETERANS LAWS TO REFLECT THE ESTABLISHMENT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PUBLIC LAW 94-581.—Section 105(b) of the Veterans Omnibus Health Care Act of 1976 (Public Law 94-581; 38 U.S.C. 619 note) is amended—

38 USC 618 note.

(1) by striking out “Administrator is authorized to” and inserting in lieu thereof “Secretary of Veterans Affairs may”;

(2) by striking out “Veterans’ Administration” the first place it appears and inserting in lieu thereof “Department of Veterans Affairs”;

(3) by striking out “Veterans’ Administration facilities and personnel” and inserting in lieu thereof “facilities and personnel of the Department”;

(4) by striking out “Veterans’ Administration health care facilities” and inserting in lieu thereof “health care facilities of the Department”;

(5) by striking out “Administrator deems” and inserting in lieu thereof “Secretary considers”; and

(6) by striking out “Administrator” both places it appears in paragraph (2) and inserting in lieu thereof “Secretary”.

(b) PUBLIC LAW 95-202.—Section 401 of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note) is amended by striking out “laws administered by the Veterans’ Administration” in subsections (a)(1) and (b)(2) and inserting in lieu thereof “laws administered by the Secretary of Veterans Affairs”.

(c) PUBLIC LAW 95-588.—Section 306 of the Veterans’ and Survivors’ Pension Improvement Act of 1978 (38 U.S.C. 521 note) is amended—

(1) by striking out “Administrator” in subsection (a)(1)(A) and inserting in lieu thereof “Secretary of Veterans Affairs (hereinafter in this section referred to as the ‘Secretary’)”;

(2) by striking out “Administrator of Veterans’ Affairs” in subsections (a)(3), (b)(2)(A), and (e) and inserting in lieu thereof “Secretary”; and

(3) by striking out “Administrator” in subsection (b)(4) and inserting in lieu thereof “Secretary”.

(d) PUBLIC LAW 96-22.—Section 103(b) of the Veterans’ Health Care Amendments of 1979 (Public Law 96-22; 38 U.S.C. 612A note) is amended by striking out “the date of the enactment of this Act, the Administrator of Veterans’ Affairs” and inserting in lieu thereof “June 13, 1979, the Secretary of Veterans Affairs”.

(e) PUBLIC LAW 96-128.—Section 502 of the Veterans’ Disability Compensation and Survivors’ Benefits Amendments of 1979 (Public Law 96-128; 93 Stat. 987) is amended—

26 USC 6103 note.

(1) by striking out “Administrator of Veterans’ Affairs” and inserting in lieu thereof “Secretary of Veterans Affairs”;

(2) by striking out “such Administrator” both places it appears and inserting in lieu thereof “such Secretary”; and

(3) by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”.

(f) PUBLIC LAW 98-160.—Section 302 of the Veterans Health Care Amendments of 1983 (Public Law 98-160; 38 U.S.C. 601 note) is amended—

(1) by striking out "The Administrator of Veterans' Affairs" and inserting in lieu thereof "The Secretary of Veterans Affairs";

(2) by striking out "the Administrator" and inserting in lieu thereof "the Secretary"; and

(3) by striking out "Department of Medicine and Surgery" and inserting in lieu thereof "Veterans Health Administration".

(g) PUBLIC LAW 99-238.—Section 202 of the Veterans' Compensation Rate Increase and Job Training Amendments of 1985 (38 U.S.C. 1516 note) is amended—

(1) by striking out "Administrator of Veterans' Affairs" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(2) by striking out "Administrator" in subsection (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(h) PUBLIC LAW 99-576.—Section 232 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (38 U.S.C. 354 note) is amended as follows:

(1) Subsection (a) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) Subsection (b) is amended by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

(3) Subsection (c) is amended by striking out "before the date of the enactment of this Act, the Administrator" and inserting in lieu thereof "before October 28, 1986, the Secretary".

(4) Subsection (d) is amended—

(A) by striking out "Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs";

(C) by striking out "the Department of Veterans' Benefits and the Department of Medicine and Surgery" in paragraph (1)(A) and inserting in lieu thereof "the Veterans Benefits Administration and the Veterans Health Administration"; and

(D) by striking out "after the enactment of this Act" and inserting in lieu thereof "after October 28, 1986".

(5) Subsection (e) is amended by striking out "Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(i) PUBLIC LAW 100-198.—Section 9 of the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987 (38 U.S.C. 1823 note) is amended—

(1) by striking out "Administrator of Veterans' Affairs" in subsections (a)(1) and (b)(1) and inserting in lieu thereof "Secretary of Veterans Affairs";

(2) by striking out "Administrator" each additional place it appears in subsections (a) and (b) and inserting in lieu thereof "Secretary of Veterans Affairs";

(3) by striking out "Veterans' Administration's ability" in subsection (a)(3)(A) and inserting in lieu thereof "ability of the Department of Veterans Affairs"; and

(4) by striking out "Veterans' Administration" in subsections (a)(3)(A)(i) and (a)(3)(C) and inserting in lieu thereof "Department of Veterans Affairs".

(j) PUBLIC LAW 100-322.—The Veterans' Benefits and Services Act of 1988 (Public Law 100-322) is amended as follows:

(1) Section 115 (38 U.S.C. 612 note) is amended—

(A) by striking out "Administrator" in subsection (a)(1) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" each place it appears in subsections (a)(2), (b), and (c) and inserting in lieu thereof "Secretary"; and

(C) by striking out "Veterans' Administration" each place it appears (other than in subsection (e)) and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 123 (38 U.S.C. 210 note) is amended—

(A) by striking out "Administrator" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" each place it appears in subsections (b) and (c) and inserting in lieu thereof "Secretary"; and

(C) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

(3) Section 124 (38 U.S.C. 4133 note) is amended—

(A) by striking out "Administrator" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" each place it appears in subsection (b) and inserting in lieu thereof "Secretary";

(C) by striking out "Veterans' Administration" the first two places it appears and inserting in lieu thereof "Department of Veterans Affairs"; and

(D) by striking out "Veterans' Administration" the last place it appears and inserting in lieu thereof "Department".

(k) PUBLIC LAW 100-687.—The Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687) is amended as follows:

(1) Section 1203 (102 Stat. 4125) is amended by striking out "laws administered by the Veterans' Administration" and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(2) Section 1204 (102 Stat. 4125; 38 U.S.C. 241 note) is amended—

(A) by striking out "The Administrator" in subsections (a) and (b) and inserting in lieu thereof "The Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Department of Veterans Affairs"; and

(C) by striking out "the Administrator" both places it appears in subsection (b) and inserting in lieu thereof "the Secretary".

(3) Section 1404 (102 Stat. 4131; 38 U.S.C. 210 note) is amended—

(A) by striking out "Veterans' Administration" both places it appears in subsection (a) and inserting in lieu thereof "Department of Veterans Affairs";

38 USC 7333
note.

(B) by striking out “the Administrator” the first place it appears in subsection (a) and inserting in lieu thereof “the Secretary of Veterans Affairs”;

(C) by striking out “the Administrator and the Secretary” in subsections (a) and (b) and inserting in lieu thereof “the Secretary of Veterans Affairs and the Secretary of Labor”;

(D) by striking out “the Administrator” the first place it appears in subsection (b) and inserting in lieu thereof “the Secretary of Veterans Affairs”; and

(E) by striking out “the Administrator or the Secretary” in the third sentence of subsection (b) and inserting in lieu thereof “the Secretary of Veterans Affairs or the Secretary of Labor”.

SEC. 7. GENERAL SAVINGS PROVISIONS.

38 USC prec. 101
note.

(a) REFERENCES TO REPLACED LAWS.—A reference to a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 (including a reference in a regulation, order, or other law) shall be treated as referring to the corresponding provision enacted by this Act.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall continue in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken or an offense committed under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall be treated as having been taken or committed under the corresponding provision enacted by this Act.

Approved August 6, 1991.

LEGISLATIVE HISTORY—H.R. 2525:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 25, considered and passed House.
July 22, considered and passed Senate.

Public Law 102-84
102d Congress

An Act

To designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, Illinois, as the "Ralph H. Metcalfe Federal Building".

Aug. 10, 1991
[H.R. 1779]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building under construction at 77 West Jackson Boulevard in Chicago, Illinois, shall be known and designated as the "Ralph H. Metcalfe Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ralph H. Metcalfe Federal Building".

Approved August 10, 1991.

LEGISLATIVE HISTORY—H.R. 1779:

HOUSE REPORTS: NO. 102-168 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed House.
July 31, considered and passed Senate.

Public Law 102-85
102d Congress

Joint Resolution

Aug. 10, 1991
[S.J. Res. 179]

To designate the week beginning August 25, 1991, as "National Parks Week".

Whereas on August 25, 1916, the Congress established the National Park Service charged with the conservation of "the scenery and the natural and historic objects and the wildlife" of the National Park System and "to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations";

Whereas the National Park Service, now celebrating its seventy-fifth anniversary, has shown leadership in the protection of our Nation's natural, cultural, and recreational resources internationally, nationally, and locally;

Whereas today the three hundred and fifty-seven units of the National Park System preserve and interpret unique resources that shape our Nation's sense of its identity, from the scenic beauty of the great natural parks to the rich diversity of the historical and archeological areas and the varied activities of the recreational areas;

Whereas millions of Americans as well as people from foreign nations visit the national parks each year, deriving pleasure and inspiration from them;

Whereas we who have inherited this legacy and who are enriched by it, believe that the parks deserve to be kept unimpaired to ensure that future generations will continue to appreciate and enjoy them;

Whereas the National Park Service has long cooperated with the States, counties, localities, and other entities to assist in the preservation of historic resources, the management of diverse natural resources, and the increase of public recreational opportunities;

Whereas the men and women of the National Park Service charged with the protection of our parks and their visitors have steadfastly served the purposes for which the national park system was created; and

Whereas, during the year beginning August 25, 1991, the National Park Service will celebrate its diamond anniversary with programs focusing the Nation's attention on the riches of these parks and the need for their preservation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning August 25, 1991, is hereby designated as "National Park Week" and the President of the United States is authorized and requested to issue a proclamation inviting the people of the United States and the world to participate in the events commemorating the seventy-fifth anniversary of the creation of the National Park Service.

Approved August 10, 1991.

LEGISLATIVE HISTORY—S.J. Res. 179:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 31, considered and passed Senate.
Aug. 1, considered and passed House.

Public Law 102-86
102d Congress

An Act

Aug. 14, 1991
[H.R. 1047]

To amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, life insurance, health-care, and facilities management programs; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans'
Benefits
Programs
Improvement
Act of 1991.
38 USC 101 note.

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans' Benefits Programs Improvement Act of 1991".

(b) **REFERENCES TO TITLE 38.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) **EXECUTION OF AMENDMENTS.**—References in this Act to a section or other provision of title 38, United States Code, refer to that section or other provision as in effect before the redesignations made by section 5 of the Department of Veterans Affairs Codification Act.

TITLE I—COMPENSATION AND PENSION PROGRAMS

SEC. 101. PENSION BENEFITS FOR INSTITUTIONALIZED VETERANS.

(a) **TECHNICAL CORRECTION.**—Section 5503(a)(1)(C) is amended by striking out "\$60" and inserting in lieu thereof "\$90".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if contained in section 111 of the Veterans' Benefits Amendments of 1989 (Public Law 101-237; 103 Stat. 2064).

SEC. 102. FREQUENCY OF PAYMENT OF PARENTS' DIC.

Subsection (a) of section 415 is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

"(2) Under regulations prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section."

SEC. 103. PRESERVATION OF RATINGS WHEN CHANGES MADE IN RATING SCHEDULES.

(a) **IN GENERAL.**—Section 355 is amended by adding at the end the following: "However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the

38 USC 5503
note.

38 USC 1315.

38 USC 1155.

effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act. 38 USC 1155 note.

SEC. 104. PRESUMPTIVE PERIOD FOR OCCURRENCE OF LEUKEMIA IN VETERANS EXPOSED TO RADIATION.

(a) **CHANGE IN PRESUMPTIVE PERIOD.**—Section 312(c)(3) is amended by striking out “, except that” and all that follows through “leukemia”. 38 USC 1112.

(b) **EFFECTIVE DATE.**—No benefit may be paid by reason of the amendment made by subsection (a) for any period before the date of the enactment of this Act. 38 USC 1112 note.

SEC. 105. PRESUMPTION OF SERVICE-CONNECTION FOR CERTAIN RADIATION-EXPOSED RESERVISTS.

Section 312(c) is amended— 38 USC 1112.

(1) in paragraph (1)—

(A) by striking out “during the veteran's service on active duty” and inserting in lieu thereof “during active military, naval, or air service”; and

(B) by striking out “during the period” and inserting in lieu thereof “during a period”; and

(2) in paragraph (4)(A)—

(A) by inserting “(i)” after “means”; and

(B) by inserting before the period at the end the following: “, or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training”.

TITLE II—LIFE INSURANCE PROGRAMS

SEC. 201. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) **EXTENSION.**—Subsections (a) and (b)(1) of section 722 are amended— 38 USC 1922.

(1) by striking out “one year” each place it appears and inserting in lieu thereof “two years”; and

(2) by striking out “one-year” each place it appears and inserting in lieu thereof “two-year”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to any person who, on or after September 1, 1991, is found by the Secretary of Veterans Affairs to be eligible for insurance under section 722 of title 38, United States Code. 38 USC 1922 note.

SEC. 202. PAYMENT OF SERVICE DISABLED VETERANS' INSURANCE IN LUMP SUM.

(a) **PAYMENT IN LUMP SUM.**—Section 722(b) is amended— 38 USC 1922.

(1) by striking out paragraph (4) and inserting in lieu thereof the following:

“(4) Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable to the beneficiary determined under paragraph (2) of this subsection in a lump sum.”; and

(2) by striking out paragraph (5).

38 USC 1922
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act. In the case of insurance under section 722(b) of title 38, United States Code, payable by reason of a death before the date of the enactment of this Act, the Secretary shall pay the remaining balance of such insurance in a lump sum as soon as practicable after the date of the enactment of this Act.

SEC. 203. OPEN SEASON FOR USE OF DIVIDENDS TO PURCHASE ADDITIONAL INSURANCE.

38 USC 1907.

Section 707(c) is amended—

(1) by striking out “before February 1, 1973” in the second sentence and inserting in lieu thereof “during the one-year period beginning September 1, 1991”; and

(2) by inserting after the second sentence the following new sentences: “After September 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so.”

TITLE III—HEALTH-RELATED PROVISIONS

SEC. 301. ELIGIBILITY FOR OUTPATIENT DENTAL CARE.

38 USC 1712.

Paragraph (1) of section 612(b) is amended—

(1) by striking out “or” at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof “; or”; and

(3) by adding after subparagraph (G) the following new subparagraph:

“(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter.”

SEC. 302. REQUIREMENT FOR SECOND OPINION FOR FEE-BASIS OUTPATIENT DENTAL CARE REIMBURSEMENT.

38 USC 1712.

Section 612(b)(3) is amended by striking out “\$500” and inserting in lieu thereof “\$1,000”.

SEC. 303. EXTENSION OF CONTRACT AUTHORITY FOR ALCOHOL OR DRUG ABUSE TREATMENT.

38 USC 1720A.

Section 620A(e) is amended by striking out “September 30, 1991” and inserting in lieu thereof “December 31, 1994”.

SEC. 304. EXTENSION OF AUTHORITY TO MAKE CONTRACTS TO THE VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.

38 USC 1732.

(a) **EXTENSION.**—Section 632(a) is amended by striking out “1990” and inserting in lieu thereof “1992”.

38 USC 1732
note.

(b) **RATIFICATION.**—Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 of title 38, United States Code, by contract or otherwise, during the period

beginning on October 1, 1990, and ending on the date of the enactment of this Act are hereby ratified.

SEC. 305. EDUCATIONAL AND LICENSURE REQUIREMENTS FOR SOCIAL WORKERS.

(a) **SOCIAL WORKER LICENSURE REQUIREMENT.**—Section 7402(b) is amended—

- (1) by redesignating paragraph (9) as paragraph (10); and
- (2) by inserting after paragraph (8) the following new paragraph (9):

“(9) **SOCIAL WORKER.**—To be eligible to be appointed to a social worker position, a person must hold a master’s degree in social work from a college or university approved by the Secretary and satisfy the social worker licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed, except that the Secretary may waive the licensure, certification, or registration requirement of this paragraph for an individual social worker for a reasonable period, not to exceed 3 years, in order for the social worker to take any actions necessary to satisfy the licensure, certification, or registration requirements of such State.”.

(b) **EXEMPTION.**—The amendment made by subsection (a) does not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of the enactment of this Act.

38 USC 7402
note.

TITLE IV—REAL PROPERTY AND FACILITIES

SEC. 401. ENHANCED-USE LEASES AND SPECIAL DISPOSITION OF PROPERTY.

(a) **AMENDMENT TO CHAPTER 81.**—Chapter 81 is amended by adding at the end the following new subchapter:

“SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

“§ 8161. Definitions

“For the purposes of this subchapter:

“(1) The term ‘enhanced-use lease’ means a written lease entered into by the Secretary under this subchapter.

“(2) The term ‘congressional veterans’ affairs committees’ means the Committees on Veterans’ Affairs of the Senate and the House of Representatives.

“§ 8162. Enhanced-use leases

“(a)(1) The Secretary may in accordance with this subchapter enter into leases with respect to real property that is under the jurisdiction or control of the Secretary. Any such lease under this subchapter may be referred to as an ‘enhanced-use lease’. The Secretary may dispose of any such property that is leased to another party under this subchapter in accordance with section 8164 of this title. The Secretary may exercise the authority provided by this subchapter notwithstanding section 8122 of this title, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the

Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484), or any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section. The applicability of this subchapter to section 421(b) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) is covered by subsection (c).

"(2) The Secretary may enter into an enhanced-use lease only if the Secretary determines that—

"(A) at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department;

"(B) the lease will not be inconsistent with and will not adversely affect the mission of the Department; and

"(C) the lease will enhance the use of the property.

"(3) The provisions of the Act of March 3, 1931 (40 U.S.C. 276a et seq.), shall not, by reason of this section, become inapplicable to property that is leased to another party under an enhanced-use lease.

"(4) A property that is leased to another party under an enhanced-use lease may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(b)(1) If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall select the party with whom the lease will be entered into using selection procedures determined by the Secretary that ensure the integrity of the selection process.

"(2) The term of an enhanced-use lease may not exceed—

"(A) 35 years, in the case of a lease involving the construction of a new building or the substantial rehabilitation of an existing building, as determined by the Secretary; or

"(B) 20 years, in the case of a lease not described in subparagraph (A).

"(3)(A) Each enhanced-use lease shall be for fair consideration, as determined by the Secretary. Consideration under such a lease may be provided in whole or in part through consideration in-kind.

"(B) Consideration in-kind may include provision of goods or services of benefit to the Department, including construction, repair, remodeling, or other physical improvements of Department facilities, maintenance of Department facilities, or the provision of office, storage, or other usable space.

"(4) Any payment by the Secretary for the use of space or services by the Department on property that has been leased under this subchapter may only be made from funds appropriated to the Department for the activity that uses the space or services. No other such payment may be made by the Secretary to a lessee under an enhanced-use lease unless the authority to make the payment is provided in advance in an appropriation Act.

"(c)(1) Subject to paragraph (2), the entering into an enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) shall be considered to be prohibited by that section unless specifically authorized by law.

"(2) The entering into an enhanced-use lease by the Secretary covering any land or improvement described in such section 421(b)(2) shall not be considered to be prohibited under that section if under the lease—

“(A) the designated property is to be used only for child-care services;

“(B) those services are to be provided only for the benefit of—

“(i) employees of the Department;

“(ii) individuals employed on the premises of such property; and

“(iii) employees of a health-personnel educational institution that is affiliated with a Department facility;

“(C) over one-half of the employees benefited by the child-care services provided are required to be employees of the Department; and

“(D) over one-half of the children to whom child-care services are provided are required to be children of employees of the Department.

“§ 8163. Designation of property to be leased

“(a) If the Secretary proposes to designate a property to be leased under an enhanced-use lease, the Secretary shall conduct a public hearing before making the designation. The hearing shall be conducted in the community in which the property is located. At the hearing, the Secretary shall receive the views of veterans service organizations and other interested parties regarding the proposed lease of the property and the possible effects of the uses to be made of the property under a lease of the general character then contemplated. The possible effects to be addressed at the hearing shall include effects on—

“(1) local commerce and other aspects of the local community;

“(2) programs administered by the Department; and

“(3) services to veterans in the community.

“(b) Before conducting such a hearing, the Secretary shall provide reasonable notice of the proposed designation and of the hearing. The notice shall include—

“(1) the time and place of the hearing;

“(2) identification of the property proposed to be leased;

“(3) a description of the proposed uses of the property under the lease;

“(4) a description of how the uses to be made of the property under a lease of the general character then contemplated—

“(A) would contribute in a cost-effective manner to the mission of the Department;

“(B) would not be inconsistent with the mission of the Department; and

“(C) would not adversely affect the mission of the Department; and

“(5) a description of how those uses would affect services to veterans.

“(c)(1) If after a hearing under subsection (a) the Secretary intends to designate the property involved, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intention to so designate the property and shall publish a notice of such intention in the Federal Register.

“(2) The Secretary may not enter into an enhanced-use lease until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during

Federal
Register,
publication.

which either House of Congress is not in session during an adjournment of more than three days to a day certain.

“(3) Each notice under paragraph (1) shall include the following:

“(A) An identification of the property involved.

“(B) An explanation of the background of, rationale for, and economic factors in support of, the proposed lease.

“(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed designation, together with a summary of the Secretary’s evaluation of those views.

“(D) A general description of the proposed lease.

“(E) A description of how the proposed lease—

“(i) would contribute in a cost-effective manner to the mission of the Department;

“(ii) would not be inconsistent with the mission of the Department; and

“(iii) would not adversely affect the mission of the Department.

“(F) A description of how the proposed lease would affect services to veterans.

Reports.

“(4) Not less than 30 days before entering into an enhanced-use lease, the Secretary shall submit to the congressional veterans’ affairs committees a report on the proposed lease. The report shall include—

“(A) updated information with respect to the matters described in paragraph (3);

“(B) a summary of a cost-benefit analysis of the proposed lease;

“(C) a description of the provisions of the proposed lease; and

“(D) a notice of designation with respect to the property.

“§ 8164. Authority for disposition of leased property

“(a) If, during the term of an enhanced-use lease or within 30 days after the end of the term of the lease, the Secretary determines that the leased property is no longer needed by the Department, the Secretary may initiate action for the transfer to the lessee of all right, title, and interest of the United States in the property by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b). A disposition of property may not be made under this section unless the Secretary determines that the disposition under this section rather than under section 8122 of this title is in the best interests of the Department. The Administrator, upon request of the Secretary, shall take appropriate action under this section to dispose of property of the Department that is or has been subject to an enhanced-use lease.

“(b) A disposition under this section may be made for such consideration as the Secretary and the Administrator of General Services jointly determine is in the best interest of the United States and upon such other terms and conditions as the Secretary and the Administrator consider appropriate.

“(c) Not less than 90 days before a disposition of property is made under this section, the Secretary shall notify the congressional veterans’ affairs committees of the Secretary’s intent to dispose of the property and shall publish notice of the proposed disposition in the Federal Register. The notice shall describe the background of, rationale for, and economic factors in support of, the proposed

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publication.

disposition (including a cost-benefit analysis summary) and the method, terms, and conditions of the proposed disposition.

“§ 8165. Use of proceeds

“(a)(1) Of the funds received by the Department under an enhanced-use lease and remaining after any deduction from such funds under subsection (b), 75 percent shall be deposited in the nursing home revolving fund established under section 8116 of this title and 25 percent shall be credited to the Medical Care Account of the Department for the use of the Department facility at which the property is located.

“(2) Funds received by the Department from a disposal of leased property under section 8164 of this title and remaining after any deduction from such funds under the laws referred to in subsection (c) shall be deposited in the nursing home revolving fund.

“(b) An amount sufficient to pay for any expenses incurred by the Secretary in any fiscal year in connection with an enhanced-use lease shall be deducted from the proceeds of the lease for that fiscal year and may be used by the Secretary to reimburse the account from which the funds were used to pay such expenses.

“(c) Subsection (a) does not affect the applicability of section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a), with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title.

“§ 8166. Construction standards

“(a) Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of the property that is the subject of the lease shall be carried out so as to comply with all standards applicable to construction of Federal buildings. Any such construction, alteration, repair, remodeling, or improvement shall not be subject to any State or local law relating to building codes, permits, or inspections unless the Secretary provides otherwise.

“(b) Unless the Secretary has provided that Federal construction standards are not applicable to a property, the Secretary shall conduct periodic inspections of any such construction, alteration, repair, remodeling, or improvement for the purpose of ensuring that the standards are met.

“§ 8167. Exemption from State and local taxes

“The interest of the United States in any property subject to an enhanced-use lease and any use by the United States of such property during such lease shall not be subject, directly or indirectly, to any State or local law relative to taxation, fees, assessments, or special assessments, except sales taxes charged in connection with any construction, alteration, repair, remodeling, or improvement project carried out under the lease.

“§ 8168. Limitation on number of agreements

“(a) Not more than 20 enhanced-use leases may be entered into under this subchapter, and not more than 10 such leases may be entered into during any fiscal year.

“(b) An enhanced-use lease under which the primary use made of the leased premises is the provision of child-care services for employ-

ees of the Department shall not be counted for the purposes of subsection (a).

“§ 8169. Expiration

“The authority of the Secretary to enter into enhanced-use leases under this subchapter expires on December 31, 1994.”.

(b) **CLERICAL AMENDMENTS.**—(1) The heading for chapter 81 is amended by adding at the end the following: “; LEASES OF REAL PROPERTY”.

(2) The items relating to chapter 81 in the tables of chapters before part I and at the beginning of part VI are amended to read as follows:

“81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply; Enhanced-Use Leases of Real Property..... 8101”.

(3) The table of sections at the beginning of chapter 81 is amended by adding at the end the following:

“SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

“8161. Definitions.

“8162. Enhanced-use leases.

“8163. Designation of property to be leased.

“8164. Authority for disposition of leased property.

“8165. Use of proceeds.

“8166. Construction standards.

“8167. Exemption from State and local taxes.

“8168. Limitation on number of agreements.

“8169. Expiration.”.

SEC. 402. ACQUISITION OF REAL PROPERTY.

(a) **IN GENERAL.**—Chapter 1 is amended by adding at the end the following new section:

“§ 115. Acquisition of real property

“For the purposes of sections 230 and 1006 of this title and subchapter I of chapter 81 of this title, the Secretary may acquire and use real property—

“(1) before title to the property is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

“(2) even though the property will be held in other than a fee simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“115. Acquisition of real property.”.

36 USC 493.

SEC. 403. PERSHING HALL, PARIS, FRANCE.

(a) **IN GENERAL.**—Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affairs so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

(b) **ADMINISTRATION.**—(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines is in the best

interests of the United States, which may include use of Pershing Hall to meet the needs of veterans. To meet such needs, the Secretary may establish and operate a regional or other office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) to fund the operation of the memorial and projects authorized by subsection (d)(6).

(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d), the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

(4) The Secretary of Veterans Affairs may provide the allowances and benefits described in section 235 of title 38, United States Code, to personnel of the Department of Veterans Affairs who are United States citizens and are assigned by the Secretary to Pershing Hall.

(c) LEASES.—(1) The Secretary may enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall.

(2) Leases entered into by the Secretary under this subsection shall be for consideration in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

(d) FUND.—(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed \$1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 2 of the Act of June 28, 1935 (Public Law 74-171; 49 Stat. 426), is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than \$100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary to be in keeping with the mission of the Department.

(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) has been completed.

(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

(e) **WAIVER.**—The Secretary may carry out the provisions of this section without regard to section 8122 of title 38, United States Code, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), sections 202 and 203 of the Federal Property and Administrative Services Act (40 U.S.C. 483 and 484), or any other provision of law inconsistent with this section.

TITLE V—MISCELLANEOUS

SEC. 501. DURATION OF COMPENSATED WORK THERAPY PROGRAM.

38 USC 1718
note.

Section 7(a) of Public Law 102-54 (105 Stat. 269) is amended by striking out "During fiscal years 1992 through 1994" and inserting in lieu thereof "During fiscal years 1991 through 1994".

38 USC 103
note.

SEC. 502. SAVINGS PROVISION FOR ELIMINATION OF BENEFITS FOR CERTAIN REMARRIED SPOUSES.

The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual (1) marries, or (2) in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse.

SEC. 503. AGENT ORANGE REVIEW.

38 USC 1116
note.

(a) **LIABILITY INSURANCE.**—Section 3 of the Agent Orange Act of 1991 (Public Law 102-4; 38 U.S.C. 316 note) is amended by adding at the end the following new subsection:

"(k) **LIABILITY INSURANCE.**—(1) The Secretary may provide liability insurance for the National Academy of Sciences or any other contract scientific organization to cover any claim for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission of any person referred to

in paragraph (2) in carrying out any of the following responsibilities of the Academy or such other organization, as the case may be, under an agreement entered into with the Secretary pursuant to this section:

“(A) The review, summarization, and assessment of scientific evidence referred to in subsection (c).

“(B) The making of any determination, on the basis of such review and assessment, regarding the matters set out in clauses (A) through (C) of subsection (d)(1), and the preparation of the discussion referred to in subsection (d)(2).

“(C) The making of any recommendation for additional scientific study under subsection (e).

“(D) The conduct of any subsequent review referred to in subsection (f) and the making of any determination or estimate referred to in such subsection.

“(E) The preparation of the reports referred to in subsection (g).

“(2) A person referred to in paragraph (1) is—

“(A) an employee of the National Academy of Sciences or other contract scientific organization referred to in paragraph (1); or

“(B) any individual appointed by the President of the Academy or the head of such other contract scientific organization, as the case may be, to carry out any of the responsibilities referred to in such paragraph.

“(3) The cost of the liability insurance referred to in paragraph (1) shall be made from funds available to carry out this section.

“(4) The Secretary shall reimburse the Academy or person referred to in paragraph (2) for the cost of any judgments (if any) and reasonable attorney’s fees and incidental expenses, not compensated by the liability insurance referred to in paragraph (1) or by any other insurance maintained by the Academy, incurred by the Academy or person referred to in paragraph (2), in connection with any legal or administrative proceedings arising out of or in connection with the work to be performed under the agreement referred to in paragraph (1). Reimbursement of the cost of such judgments, attorney’s fees, and incidental expenses shall be paid from funds appropriated for such reimbursement or appropriated to carry out this section, but in no event shall any such reimbursement be made from funds authorized pursuant to section 1304 of title 31, United States Code.”

(b) DELAY IN CERTAIN PROVISIONS.—(1) Section 3(b) of such Act is amended by striking out “two months after the date of the enactment of this Act” and inserting in lieu thereof “two months after the date of the enactment of the Veterans’ Benefits Programs Improvement Act of 1991”.

(2) Section 10(e) of such Act is amended—

(A) in paragraph (1), by striking out “at the end of the six-month period beginning on the date of the enactment of this Act” and inserting in lieu thereof “at the end of the two-month period beginning on the date of the enactment of the Veterans’ Benefits Programs Improvement Act of 1991”; and

(B) in paragraph (2)(A), by striking out “six-month”.

38 USC 1116
note.

38 USC 1154
note.

SEC. 504. EXPANSION OF AUTHORITY TO ACCEPT GIFTS, BEQUESTS, AND DEVICES.

Section 8301 is amended by adding at the end the following new sentence: "The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary's ability to provide services or benefits."

SEC. 505. TECHNICAL AMENDMENT RELATING TO COLLECTION OF CERTAIN INDEBTEDNESS TO THE UNITED STATES.

(a) **DEPOSIT OF COAST GUARD AMOUNTS.**—Section 5301(c)(4) is amended by inserting before the period at the end the following: "or to the Retired Pay Account of the Coast Guard, as appropriate".

38 USC 5301
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to funds collected after September 30, 1991.

SEC. 506. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) **TITLE 38.**—Title 38, United States Code, is amended as follows:

38 USC 1718.

(1) Section 618(b)(2) is amended by striking out "arrangements" and inserting in lieu thereof "arrangements".

38 USC 1916.

(2) Section 716(b) is amended by striking out "unpaid" and inserting in lieu thereof "unpaid".

(b) **PUBLIC LAW 101-237.**—Effective as of December 18, 1989, section 423(b) of Public Law 101-237 is amended—

38 USC 3690.

(1) in paragraph (2), by striking out "1790(b)(3)(B)(i)(III)," and inserting in lieu thereof "1790(b)(3)(B)(iii), as redesignated by subsection (a)(9)(C)(ii)," and

38 USC 3018.

(2) in paragraph (4)(A), by striking out "1418(a)(3)" and inserting in lieu thereof "1418(a)".

38 USC 4214
note.

(c) **PUBLIC LAW 102-16.**—Effective as of March 22, 1991, section 9(d) of Public Law 102-16 is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 1047:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 10, 11, considered and passed House.

July 25, considered and passed Senate, amended.

July 29, House concurred in Senate amendments.

Public Law 102-87
102d Congress

An Act

To amend the Act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, Idaho, to use certain lands for a correctional facility for women, and for other purposes.

Aug. 14, 1991
[H.R. 1448]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF USE OF LAND FOR ADDITIONAL PUBLIC PURPOSE.

(a) **MODIFICATION.**—The first section of the Act entitled “An Act to grant certain lands to the city of Pocatello, State of Idaho, for conserving and protecting the source of its water supply”, approved May 12, 1920 (41 Stat. 596), is amended by striking “city:”, and by inserting in lieu thereof “city, and for use for the construction and operation of a correctional facility for women on no more than forty acres in the west half of section two that are contiguous with Fore Road (as such road existed on June 11, 1991), provided that neither the city nor any other entity allows the construction after June 11, 1991, of any temporary or permanent road across City Creek or within the area three hundred feet on each side of the centerline of such creek (but any road existing within such area on such date may be maintained to the same standard as existed on such date), and (with respect to the remainder of such lands) for use for outdoor recreational purposes consistent with the maintenance of natural open space, wildlife habitat purposes, and other public purposes consistent with water storage or utility transmission purposes by such city or other governmental entity. The city of Pocatello may convey or lease to a governmental entity established under the laws of the State of Idaho such portion of the lands conveyed to such city under this Act as may be used for a correctional facility, but may not transfer any of the city’s right, title, or interest in any other portion of such lands:”.

(b) The first section of said Act is further amended by the addition of the following paragraphs at the end thereof:

“(b)(1) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the city of Pocatello under this Act is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement, or release of any hazardous substance, such land shall not, under any circumstance, revert to the United States.

“(2) If lands granted or conveyed to the city of Pocatello by or pursuant to this Act shall be used for purposes that the Secretary of the Interior finds: (A) inconsistent with the purposes for which such lands were granted or conveyed and not authorized by the Secretary pursuant to this Act, and (B) which may result in the disposal, placement, or release of any hazardous substance, the city of Pocatello shall be liable to pay to the Secretary of the Interior, on behalf

of the United States, the fair market value of the land, including the value of any improvement thereon, as of the date of conversion of the land to such nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject to appropriations, for the management of public lands and shall remain available until expended.”.

(c) AMENDMENT OF PATENTS.—Upon the request of the city of Pocatello, the Secretary of the Interior shall amend any patents issued pursuant to the Act of May 12, 1920, so as to conform to the amendments to such Act made by this Act.

SEC. 2. MODIFICATION OF REPORTING REQUIREMENT.

The first section of the Act of May 12, 1920 (41 Stat. 596) is amended by designating the existing text of such section as section 1(a) and by striking out “of each year after the expiration of said two years,” and inserting in lieu thereof “every five years beginning in 1996,”.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 1448:

HOUSE REPORTS: No. 102-127 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-121 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 24, considered and passed House.
July 31, considered and passed Senate.

Public Law 102-88
102d Congress

An Act

To authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Aug. 14, 1991
[H.R. 1455]

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 "Intelligence Authorization Act, Fiscal Year 1991".

Intelligence
Authorization
Act, Fiscal
Year 1991.
Classified
information.
Government
employees.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1991 for the conduct of the intelligence activities of the following elements of the United States Government:

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

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1991, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 1455 of the One Hundred Second Congress.

(b) The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

President.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1991 under sections 102 and 202 of this Act when he determines that such action is necessary for the performance of important intel-

ligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1991 the sum of \$27,900,000, of which \$6,580,000 shall be available for the Security Evaluation Office.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) **AUTHORIZED PERSONNEL LEVEL.**—The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1991, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) **REPRESENTATION OF INTELLIGENCE ELEMENTS.**—During fiscal year 1991, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) **REIMBURSEMENT.**—During fiscal year 1991, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1991, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM AND RELATED PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1991 the sum of \$164,600,000.

SEC. 302. CIA FORMER SPOUSE QUALIFYING TIME.

Section 204(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the period at the end of paragraph (4) "during the participant's service as an employee of the Central Intelligence Agency".

SEC. 303. ELIMINATION OF 15-YEAR CAREER REVIEW FOR CERTAIN CIA EMPLOYEES.

Section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by striking out the second sentence and inserting in lieu thereof the following: "Any officer or employee who elects to accept designation as a participant entitled to the benefits of the system shall remain a participant of the system for the duration of his or her employment with the Agency. Such election shall be irrevocable except as and to the extent provided in section 301(d) of this Act and shall not be subject to review or approval by the Director."

SEC. 304. SURVIVOR ANNUITIES UNDER CIARDS FOR SPOUSES OF REMARRIED, RETIRED PARTICIPANTS.

(a) **CALCULATION OF REDUCTION IN ANNUITIES.**—Section 221(n) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "or elected under section 226(e)" after "(unless such reduction is adjusted under section 222(b)(5))".

(b) **ELECTION OF REDUCTION IN ANNUITY.**—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new subsection:

"(e) Upon remarriage occurring on or after the date of the enactment of this subsection to a spouse other than the spouse at the time of retirement, a retired participant whose annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, a reduction in the retired participant's annuity for the purpose of providing an annuity for such retired participant's spouse in the event such spouse survives the retired participant. The reduction shall be effective the first day of the month which begins nine months after the date of remarriage. For any remarriage that occurred before the date of the enactment of this subsection, the retired participant may make such an election within two years after such date. To the greatest extent practicable, the retired participant shall pay a deposit under the same terms and conditions as those prescribed for retired employees

under the Civil Service Retirement and Disability System under section 8339(j)(5)(C)(ii) of title 5, United States Code. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under section 221(b).”

50 USC 403
note.

(c) **CONFORMING AMENDMENT.**—Section 226(d) of such Act is amended by striking out “This” and inserting in lieu thereof “Subsections (a) through (c) of this”.

SEC. 305. REDUCTION OF REMARRIAGE AGE.

(a) **REDUCTION OF REMARRIAGE AGE FOR SURVIVOR AND RETIREMENT BENEFITS.**—The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

50 USC 403
note.

(1) in section 221—

(A) in subsections (b)(1)(A) and (b)(3)(C), by striking out “age 60” each place it appears and inserting in lieu thereof “age 55”; and

(B) in subsection (g)(1), by striking out “age sixty” each place it appears and inserting in lieu thereof “age 55”;

50 USC 403
note.

(2) in section 222—

(A) by striking out “60 years of age” each place it appears in subsections (a)(2), (a)(3)(A), and (b)(2) and inserting in lieu thereof “55 years of age”; and

(B) by striking out “age 60” each place it appears in subsections (b)(3), (b)(5)(A), (c)(3)(C), (c)(3)(D), and (c)(4) and inserting in lieu thereof “age 55”; and

50 USC 403
note.

(3) in section 232(b)(1), by striking out “attaining age sixty” in the last sentence and inserting in lieu thereof “attaining age 55”.

50 USC 403
note.

(b) **EFFECTIVE DATE OF AMENDMENTS.**—(1) The amendments made by subsection (a) relating to widows or widowers shall apply in the case of a surviving spouse’s remarriage occurring on or after July 27, 1989, and with respect to periods beginning after such date.

(2) The amendments made by subsection (a) relating to former spouses shall apply with respect to any former spouse whose remarriage occurs after the date of enactment of this Act.

SEC. 306. ELECTION BETWEEN CIARDS ANNUITY AND OTHER SURVIVOR ANNUITIES.

Section 221(g) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end the following new paragraph:

“(3) A surviving spouse who married a participant after his or her retirement shall be entitled to a survivor annuity payable from the fund under this title only upon electing this annuity instead of any other survivor benefit to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.”

SEC. 307. RESTORATION OF FORMER SPOUSE BENEFITS AFTER DISSOLUTION OF REMARRIAGE.

(a) **SURVIVOR ANNUITY.**—Section 224 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting “, except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce” after “fifty-five”;

(2) in subsection (c)(1)(B), by inserting “, except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce” after “fifty-five”; and

(3) by adding at the end thereof the following new subsection: “(e) Notwithstanding subsection (c)(2)(A) of this section, the thirty-month application requirement for a survivor annuity under this section to be payable shall not apply in cases in which a former spouse’s entitlement to such a survivor annuity is restored under subsection (b)(1) or (c)(1)(B) of this section.”

(b) **RETIREMENT BENEFITS.**—Section 225 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (b)(1), by inserting “, except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce” after “fifty-five”;

(2) in subsection (c)(1)(B)(i), by inserting “, except that the entitlement of the former spouse to benefits under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce” after “fifty-five years of age”;

(3) by redesignating subsection (e) as subsection (f); and

(4) by adding after subsection (d) the following new subsection (e):

“(e) Notwithstanding subsection (c)(4)(A) of this section, the thirty-month application requirement for benefits under this section to be payable shall not apply in cases in which a former spouse’s entitlement to such benefits is restored under subsection (b)(1) or (c)(1)(B) of this section.”

(c) **HEALTH BENEFITS.**—Section 16(c) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding after paragraph (2) the following new paragraph:

50 USC 403p.

“(3)(A) A former spouse who is not eligible to enroll or to continue enrollment in a health benefits plan under this section solely because of remarriage before age fifty-five shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.

“(B) A former spouse whose eligibility is restored under subparagraph (A) may, under regulations which the Director of the Office of Personnel Management shall prescribe, enroll in a health benefits plan if such former spouse—

“(i) was an individual referred to in paragraph (1) and was an individual covered under a benefits plan as a family member at any time during the 18-month period before the date of dissolution of the marriage to the Agency employee or annuitant; or

“(ii) was an individual referred to in paragraph (2) and was an individual covered under a benefits plan immediately before the remarriage ended the enrollment.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as of October 1, 1990. No benefits provided pursuant to the amendments made by this section shall be payable with respect to any period before such date.

50 USC 403p
note.

(e) **COMPLIANCE WITH BUDGET ACT.**—Any new spending authority (within the meaning of section 401(c) of the Congressional Budget Act of 1974) provided pursuant to the amendments made by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

50 USC 403p
note.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

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

SEC. 402. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 403. EXCEPTED POSITIONS FROM THE COMPETITIVE SERVICE.

Section 621 of the Department of Energy Organization Act (42 U.S.C. 7231) is amended by adding at the end thereof the following new subsection:

“(f) All positions in the Department which the Secretary determines are devoted to intelligence and intelligence-related activities of the United States Government are excepted from the competitive service, and the individuals who occupy such positions as of the date of enactment of this Act shall, while employed in such positions, be exempt from the competitive service.”.

50 USC 403-2.

SEC. 404. INTELLIGENCE COMMUNITY CONTRACTING.

(a) **POLICY CONCERNING PRODUCTS PRODUCED IN THE UNITED STATES.**—The Director of Central Intelligence shall direct that elements of the Intelligence Community, whenever compatible with the national security interests of the United States and consistent with the operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should award contracts in a manner that would maximize the procurement of products produced in the United States.

(b) **DEFINITION.**—For purposes of this section, the term “Intelligence Community” has the same meaning as set forth in paragraph 3.4(f) of Executive Order 12333, dated December 4, 1981, or successor orders.

50 USC 413a
note.

SEC. 405. FURNISHING OF INTELLIGENCE INFORMATION TO THE SENATE AND HOUSE SELECT COMMITTEES ON INTELLIGENCE.

(a) **FURNISHING OF SPECIFIC INFORMATION.**—In accordance with title V of the National Security Act of 1947, the head of any department or agency of the United States involved in any intelligence activities which may pertain to United States military personnel listed as prisoner, missing, or unaccounted for in military actions shall furnish any information or documents in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate.

(b) **ACCESS BY COMMITTEES AND MEMBERS OF CONGRESS.**—In accordance with Senate Resolution 400, Ninety-Fourth Congress, and House Resolution 658, Ninety-Fifth Congress, the committees named in subsection (a) shall, upon request and under such regulations as

the committees have prescribed to protect the classification of such information, make any information described in subsection (a) available to any other committee or any other Member of Congress and appropriately cleared staff.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE PROVISIONS

SEC. 501. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT SERVICES.

(a) **IN GENERAL.**—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2642. Reimbursement rate for airlift services provided to Central Intelligence Agency

“(a) **AUTHORITY.**—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense to the Central Intelligence Agency, if the Secretary of Defense determines that those military airlift services are provided for activities related to national security objectives.

“(b) **DEFINITION.**—In this section, the term ‘Department of Defense reimbursement rate’ means the amount charged a component of the Department of Defense by another component of the Department of Defense.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2642. Reimbursement rate for airlift services provided to Central Intelligence Agency.”.

SEC. 502. PUBLIC AVAILABILITY OF MAPS, ETC., PRODUCED BY DEFENSE MAPPING AGENCY.

(a) **IN GENERAL.**—(1) Chapter 167 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2796. Maps, charts, and geodetic data: public availability; exceptions

“(a) The Defense Mapping Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

“(b)(1) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Defense—

“(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to government purposes only;

“(B) that contains information that the Secretary of Defense has determined in writing would, if disclosed, reveal sources

and methods used to obtain source material for production of the geodetic product; or

“(C) that contains information that the Director of the Defense Mapping Agency has determined in writing would, if disclosed, reveal military operational or contingency plans.

“(2) In this subsection, the term ‘geodetic product’ means any map, chart, geodetic data, or related product.

Regulations.
Federal
Register,
publication.

“(c)(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

“(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

“(A) in the case of allies of the United States; and

“(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2796. Maps, charts, and geodetic data: public availability; exceptions.”.

Federal
Register,
publication.
10 USC 2796
note.

(b) **DEADLINE FOR INITIAL REGULATIONS.**—Regulations to implement section 2796 of title 10, United States Code, as added by subsection (a), shall be published in the Federal Register for public comment in accordance with subsection (c) of that section not later than 90 days after the date of the enactment of this Act.

SEC. 503. POST-EMPLOYMENT ASSISTANCE FOR CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end thereof the following new section:

“Sec. 17. (a) Notwithstanding any other law, the Director of the National Security Agency may use appropriated funds to assist employees who have been in sensitive positions who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Agency, or whose employment has been terminated—

“(1) in finding and qualifying for subsequent employment,

“(2) in receiving treatment of medical or psychological disabilities, and

“(3) in providing necessary financial support during periods of unemployment,

if the Director determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

“(b) The Director of the National Security Agency shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.”.

SEC. 504. USE OF COMMERCIAL ACTIVITIES AS COVER SUPPORT TO INTELLIGENCE COLLECTION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—Chapter 21 of title 10, United States Code, is amended—

(1) by inserting after the chapter heading the following:

“Subchapter	Sec.
“I. General Matters.....	421
“II. Intelligence Commercial Activities.....	431

“SUBCHAPTER I—GENERAL MATTERS”;

and

(2) by adding at the end the following:

“SUBCHAPTER II—INTELLIGENCE COMMERCIAL ACTIVITIES

“431. Authority to engage in commercial activities as security for intelligence collection activities.

“432. Use, disposition, and auditing of funds.

“433. Relationship with other Federal laws.

“434. Reservation of defenses and immunities.

“435. Limitations.

“436. Regulations.

“437. Congressional oversight.

“§ 431. Authority to engage in commercial activities as security for intelligence collection activities

“(a) **AUTHORITY.**—The Secretary of Defense, subject to the provisions of this subchapter, may authorize the conduct of those commercial activities necessary to provide security for authorized intelligence collection activities abroad undertaken by the Department of Defense. No commercial activity may be initiated pursuant to this subchapter after December 31, 1995.

“(b) **INTERAGENCY COORDINATION AND SUPPORT.**—Any such activity shall—

“(1) be coordinated with, and (where appropriate) be supported by, the Director of Central Intelligence; and

“(2) to the extent the activity takes place within the United States, be coordinated with, and (where appropriate) be supported by, the Director of the Federal Bureau of Investigation.

“(c) **DEFINITIONS.**—In this subchapter:

“(1) The term ‘commercial activities’ means activities that are conducted in a manner consistent with prevailing commercial practices and includes—

“(A) the acquisition, use, sale, storage and disposal of goods and services;

“(B) entering into employment contracts and leases and other agreements for real and personal property;

“(C) depositing funds into and withdrawing funds from domestic and foreign commercial business or financial institutions;

“(D) acquiring licenses, registrations, permits, and insurance; and

“(E) establishing corporations, partnerships, and other legal entities.

“(2) The term ‘intelligence collection activities’ means the collection of foreign intelligence and counterintelligence information.

“§ 432. Use, disposition, and auditing of funds

“(a) **USE OF FUNDS.**—Funds generated by a commercial activity authorized pursuant to this subchapter may be used to offset necessary and reasonable expenses arising from that activity. Use of such funds for that purpose shall be kept to the minimum necessary to conduct the activity concerned in a secure manner. Any funds generated by the activity in excess of those required for that purpose shall be deposited, as often as may be practicable, into the Treasury as miscellaneous receipts.

“(b) **AUDITS.**—(1) The Secretary of Defense shall assign an organization within the Department of Defense to have auditing responsibility with respect to activities authorized under this subchapter.

“(2) That organization shall audit the use and disposition of funds generated by any commercial activity authorized under this subchapter not less often than annually. The results of all such audits shall be promptly reported to the intelligence committees (as defined in section 437(d) of this title).

“§ 433. Relationship with other Federal laws

“(a) **IN GENERAL.**—Except as provided by subsection (b), a commercial activity conducted pursuant to this subchapter shall be carried out in accordance with applicable Federal law.

“(b) **AUTHORIZATION OF WAIVERS WHEN NECESSARY TO MAINTAIN SECURITY.**—(1) If the Secretary of Defense determines, in connection with a commercial activity authorized pursuant to section 431 of this title, that compliance with certain Federal laws or regulations pertaining to the management and administration of Federal agencies would create an unacceptable risk of compromise of an authorized intelligence activity, the Secretary may, to the extent necessary to prevent such compromise, waive compliance with such laws or regulations.

“(2) Any determination and waiver by the Secretary under paragraph (1) shall be made in writing and shall include a specification of the laws and regulations for which compliance by the commercial activity concerned is not required consistent with this section.

“(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Defense, an Under Secretary of Defense, an Assistant Secretary of Defense, or a Secretary of a military department.

“(c) **FEDERAL LAWS AND REGULATIONS.**—For purposes of this section, Federal laws and regulations pertaining to the management and administration of Federal agencies are only those Federal laws and regulations pertaining to the following:

“(1) The receipt and use of appropriated and nonappropriated funds.

“(2) The acquisition or management of property or services.

“(3) Information disclosure, retention, and management.

“(4) The employment of personnel.

“(5) Payments for travel and housing.

“(6) The establishment of legal entities or government instrumentalities.

“(7) Foreign trade or financial transaction restrictions that would reveal the commercial activity as an activity of the United States Government.

“§ 434. Reservation of defenses and immunities

“The submission to judicial proceedings in a State or other legal jurisdiction, in connection with a commercial activity undertaken pursuant to this subchapter, shall not constitute a waiver of the defenses and immunities of the United States.

“§ 435. Limitations

“(a) **LAWFUL ACTIVITIES.**—Nothing in this subchapter authorizes the conduct of any intelligence activity that is not otherwise authorized by law or Executive order.

“(b) **DOMESTIC ACTIVITIES.**—Personnel conducting commercial activity authorized by this subchapter may only engage in those activities in the United States to the extent necessary to support intelligence activities abroad.

“(c) **PROVIDING GOODS AND SERVICES TO THE DEPARTMENT OF DEFENSE.**—Commercial activity may not be undertaken within the United States for the purpose of providing goods and services to the Department of Defense, other than as may be necessary to provide security for the activities subject to this subchapter.

“(d) **NOTICE TO UNITED STATES PERSONS.**—(1) In carrying out a commercial activity authorized under this subchapter, the Secretary of Defense may not permit an entity engaged in such activity to employ a United States person in an operational, managerial, or supervisory position, and may not assign or detail a United States person to perform operational, managerial, or supervisory duties for such an entity, unless that person is informed in advance of the intelligence security purpose of that activity.

“(2) In this subsection, the term ‘United States person’ means an individual who is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence.

“§ 436. Regulations

“The Secretary of Defense shall prescribe regulations to implement the authority provided in this subchapter. Such regulations shall be consistent with this subchapter and shall at a minimum—

“(1) specify all elements of the Department of Defense who are authorized to engage in commercial activities pursuant to this subchapter;

“(2) require the personal approval of the Secretary or Deputy Secretary of Defense for all sensitive activities to be authorized pursuant to this subchapter;

“(3) specify all officials who are authorized to grant waivers of laws or regulations pursuant to section 433(b) of this title, or to approve the establishment or conduct of commercial activities pursuant to this subchapter;

“(4) designate a single office within the Defense Intelligence Agency to be responsible for the management and supervision of all activities authorized under this subchapter;

“(5) require that each commercial activity proposed to be authorized under this subchapter be subject to appropriate legal review before the activity is authorized; and

“(6) provide for appropriate internal audit controls and oversight for such activities.

“§ 437. Congressional oversight

“(a) **PROPOSED REGULATIONS.**—Copies of regulations proposed to be prescribed under section 436 of this title (including any proposed revision to such regulations) shall be submitted to the intelligence committees not less than 30 days before they take effect.

“(b) **CURRENT INFORMATION.**—Consistent with title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), the Secretary of Defense shall ensure that the intelligence committees are kept fully and currently informed of actions taken pursuant to this subchapter, including any significant anticipated activity to be authorized pursuant to this subchapter. The Secretary shall promptly notify the appropriate committees of Congress whenever a corporation, partnership, or other legal entity is established pursuant to this subchapter.

“(c) **ANNUAL REPORT.**—Not later than January 15 of each year, the Secretary shall submit to the appropriate committees of Congress a report on all commercial activities authorized under this subchapter that were undertaken during the previous fiscal year. Such report shall include (with respect to the fiscal year covered by the report)—

“(1) a description of any exercise of the authority provided by section 433(b) of this title;

“(2) a description of any expenditure of funds made pursuant to this subchapter (whether from appropriated or non-appropriated funds); and

“(3) a description of any actions taken with respect to audits conducted pursuant to section 432 of this title to implement recommendations or correct deficiencies identified in such audits.

“(d) **INTELLIGENCE COMMITTEES DEFINED.**—In this section, the term ‘intelligence committees’ means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.”

(b) **EFFECTIVE DATE.**—The Secretary of Defense may not authorize any activity under section 431 of title 10, United States Code, as added by subsection (a), until the later of—

(1) the end of the 90-day period beginning on the date of the enactment of this Act; or

(2) the effective date of regulations first prescribed under section 436 of such title, as added by subsection (a).

SEC. 505. DISCLOSURE TO MEMBERS OF CONGRESS OF A CLASSIFIED DEFENSE INTELLIGENCE AGENCY REPORT RELATING TO MILITARY PERSONNEL LISTED AS PRISONER, MISSING, OR UNACCOUNTED FOR.

The Secretary of Defense shall provide to any Member of Congress, upon request, full and complete access to the classified report of the Defense Intelligence Agency commonly known as the Tighe Report, relating to efforts by the Special Office for Prisoners of War/Missing in Action of the Defense Intelligence Agency to fully account for United States military personnel listed as prisoner, missing, or unaccounted for in military actions. The Secretary may withhold from disclosure under the preceding sentence any material that in the judgment of the Secretary would compromise sources and methods of intelligence.

TITLE VI—OVERSIGHT OF INTELLIGENCE ACTIVITIES

SEC. 601. REPEAL OF HUGHES-RYAN AMENDMENT.

Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422) is repealed.

SEC. 602. OVERSIGHT OF INTELLIGENCE ACTIVITIES.

(a) IN GENERAL.—Title V of the National Security Act of 1947 is amended—

(1) by redesignating sections 502 and 503 as sections 504 and 505, respectively; and

(2) by striking out section 501 (50 U.S.C. 413) and inserting in lieu thereof the following new sections:

“GENERAL CONGRESSIONAL OVERSIGHT PROVISIONS

“SEC. 501. (a)(1) The President shall ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activity as required by this title.

President.
50 USC 413.

“(2) As used in this title, the term ‘intelligence committees’ means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

“(3) Nothing in this title shall be construed as requiring the approval of the intelligence committees as a condition precedent to the initiation of any significant anticipated intelligence activity.

“(b) The President shall ensure that any illegal intelligence activity is reported promptly to the intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.

“(c) The President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of this title.

“(d) The House of Representatives and the Senate shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information, and all information relating to intelligence sources and methods, that is furnished to the intelligence committees or to Members of Congress under this title. Such procedures shall be established in consultation with the Director of Central Intelligence. In accordance with such procedures, each of the intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

“(e) Nothing in this Act shall be construed as authority to withhold information from the intelligence committees on the grounds that providing the information to the intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.

“(f) As used in this section, the term ‘intelligence activities’ includes covert actions as defined in section 503(e).

"REPORTING OF INTELLIGENCE ACTIVITIES OTHER THAN COVERT
ACTIONS

50 USC 413a.

"SEC. 502. To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall—

"(1) keep the intelligence committees fully and currently informed of all intelligence activities, other than a covert action (as defined in section 503(e)), which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and any significant intelligence failure; and

"(2) furnish the intelligence committees any information or material concerning intelligence activities, other than covert actions, which is within their custody or control, and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"PRESIDENTIAL APPROVAL AND REPORTING OF COVERT ACTIONS

50 USC 413b.

"SEC. 503. (a) The President may not authorize the conduct of a covert action by departments, agencies, or entities of the United States Government unless the President determines such an action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States, which determination shall be set forth in a finding that shall meet each of the following conditions:

"(1) Each finding shall be in writing, unless immediate action by the United States is required and time does not permit the preparation of a written finding, in which case a written record of the President's decision shall be contemporaneously made and shall be reduced to a written finding as soon as possible but in no event more than 48 hours after the decision is made.

"(2) Except as permitted by paragraph (1), a finding may not authorize or sanction a covert action, or any aspect of any such action, which already has occurred.

"(3) Each finding shall specify each department, agency, or entity of the United States Government authorized to fund or otherwise participate in any significant way in such action. Any employee, contractor, or contract agent of a department, agency, or entity of the United States Government other than the Central Intelligence Agency directed to participate in any way in a covert action shall be subject either to the policies and regulations of the Central Intelligence Agency, or to written policies or regulations adopted by such department, agency, or entity, to govern such participation.

"(4) Each finding shall specify whether it is contemplated that any third party which is not an element of, or a contractor or contract agent of, the United States Government, or is not otherwise subject to United States Government policies and regulations, will be used to fund or otherwise participate in any significant way in the covert action concerned, or be used to

undertake the covert action concerned on behalf of the United States.

“(5) A finding may not authorize any action that would violate the Constitution or any statute of the United States.

“(b) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and entities of the United States Government involved in a covert action—

“(1) shall keep the intelligence committees fully and currently informed of all covert actions which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including significant failures; and

“(2) shall furnish to the intelligence committees any information or material concerning covert actions which is in the possession, custody, or control of any department, agency, or entity of the United States Government and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

“(c)(1) The President shall ensure that any finding approved pursuant to subsection (a) shall be reported to the intelligence committees as soon as possible after such approval and before the initiation of the covert action authorized by the finding, except as otherwise provided in paragraph (2) and paragraph (3).

“(2) If the President determines that it is essential to limit access to the finding to meet extraordinary circumstances affecting vital interests of the United States, the finding may be reported to the chairmen and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, and such other member or members of the congressional leadership as may be included by the President.

“(3) Whenever a finding is not reported pursuant to paragraph (1) or (2) of this section, the President shall fully inform the intelligence committees in a timely fashion and shall provide a statement of the reasons for not giving prior notice.

“(4) In a case under paragraph (1), (2), or (3), a copy of the finding, signed by the President, shall be provided to the chairman of each intelligence committee. When access to a finding is limited to the Members of Congress specified in paragraph (2), a statement of the reasons for limiting such access shall also be provided.

“(d) The President shall ensure that the intelligence committees, or, if applicable, the Members of Congress specified in subsection (c)(2), are notified of any significant change in a previously approved covert action, or any significant undertaking pursuant to a previously approved finding, in the same manner as findings are reported pursuant to subsection (c).

“(e) As used in this title, the term ‘covert action’ means an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly, but does not include—

“(1) activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security

of United States Government programs, or administrative activities;

“(2) traditional diplomatic or military activities or routine support to such activities;

“(3) traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

“(4) activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.

“(f) No covert action may be conducted which is intended to influence United States political processes, public opinion, policies, or media.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 is amended by striking out the items relating to sections 501, 502, and 503 and inserting in lieu thereof the following:

“Sec. 501. General congressional oversight provisions.

“Sec. 502. Reporting of intelligence activities other than covert actions.

“Sec. 503. Presidential approval and reporting of covert actions.

“Sec. 504. Funding of intelligence activities.

“Sec. 505. Notice to Congress of certain transfers of defense articles and defense services.”.

50 USC 414.

(c) **CONFORMING AMENDMENTS.**—(1) Section 504 of the National Security Act of 1947, as redesignated by subsection (a), is amended in subsection (a)(2) by striking out “section 501” and inserting in lieu thereof “section 503”.

(2) Section 505 of such Act (50 U.S.C. 415), as redesignated by subsection (a), is amended in subsection (a)(1) by striking out “section 501 of this Act” and inserting in lieu thereof “this title”.

(3) Sections 167(g) and 2547(c) of title 10, United States Code, are amended—

(A) by striking out “would require—” and all that follows through “a notice” and inserting in lieu thereof “would require a notice”; and

(B) by striking out “section 501(a)(1) of the National Security Act of 1947 (50 U.S.C. 413)” and inserting in lieu thereof “title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)”.

SEC. 603. LIMITATIONS ON USE OF FUNDS.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414), as redesignated by section 602(a) and amended by section 602(c), is further amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

“(c) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government may be expended, or may be directed to be expended, for any covert action, as defined in section 503(e), unless and until a Presidential finding required by subsection (a) of section 503 has been signed or otherwise issued in accordance with that subsection.

“(d)(1) Except as otherwise specifically provided by law, funds available to an intelligence agency that are not appropriated funds may be obligated or expended for an intelligence or intelligence-related activity only if those funds are used for activities reported to the appropriate congressional committees pursuant to procedures which identify—

“(A) the types of activities for which nonappropriated funds may be expended; and

“(B) the circumstances under which an activity must be reported as a significant anticipated intelligence activity before such funds can be expended.

“(2) Procedures for purposes of paragraph (1) shall be jointly agreed upon by the intelligence committees and, as appropriate, the Director of Central Intelligence or the Secretary of Defense.”

SEC. 604. TRANSFERS OF DEFENSE ARTICLES OR SERVICES.

Section 505 of the National Security Act of 1947 (50 U.S.C. 415), as redesignated by section 602(a), is amended by inserting “, or the anticipated transfer in any fiscal year of any aggregation of defense articles or defense services,” in subsection (a)(1) after “service”.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 1455 (S. 1325):

HOUSE REPORTS: Nos. 102-37 (Permanent Select Comm. on Intelligence) and 102-166 (Comm. of Conference).

SENATE REPORTS: No. 102-85 accompanying S. 1325 (Select Comm. on Intelligence).

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 1, considered and passed House.

June 28, H.R. 1455 considered and passed Senate, amended, in lieu of S. 1325.

July 31, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Aug. 14, Presidential statement.

Public Law 102-89
102d Congress

An Act

Aug. 14, 1991
[H.R. 2031]

To amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Rural Telephone
Cooperative
Associations
ERISA
Amendments
Act of 1991.
29 USC 1001
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Telephone Cooperative Associations ERISA Amendments Act of 1991".

SEC. 2. EQUAL TREATMENT OF TELEPHONE AND ELECTRIC COOPERATIVE WELFARE PLANS FOR PURPOSES OF PREEMPTION.

Section 3(40) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)) is amended—

- (1) in subparagraph (A)(i), by striking "or" at the end;
- (2) in subparagraph (A)(ii), by striking "cooperative." and inserting "cooperative, or";
- (3) by adding at the end of subparagraph (A) the following new clause:

"(iii) by a rural telephone cooperative association.";
- (4) in subparagraph (B)(iii), by striking "and" at the end;
- (5) in subparagraph (B)(iv)(II), by striking "subclause (I)." and inserting "subclause (I), and"; and
- (6) by adding at the end of subparagraph (B) the following new clause:

"(v) the term 'rural telephone cooperative association' means an organization described in paragraph (4) or (6) of section 501(c) of the Internal Revenue Code of 1986 which is exempt from tax under section 501(a) of such Code and at least 80 percent of the members of which are organizations engaged primarily in providing telephone service to rural areas of the United States on a mutual, cooperative, or other basis."

29 USC 1002
note.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on the date of the enactment of this Act.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 2031:

HOUSE REPORTS: No. 102-150 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 137 (1991):
July 16, considered and passed House.
July 24, considered and passed Senate.

Public Law 102-90
102d Congress

An Act

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1992, and for other purposes.

Aug. 14, 1991
[H.R. 2506]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1992, and for other purposes, namely:

Legislative
Branch
Appropriations
Act, 1992.

TITLE I—CONGRESSIONAL OPERATIONS

Congressional
Operations
Appropriations
Act, 1992.
2 USC 60a
note.

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Teresa Heinz, widow of John Heinz, late a Senator from Pennsylvania, \$101,900.

Teresa Heinz.

MILEAGE AND EXPENSE ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, \$60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$10,000; the President Pro Tempore of the Senate, \$10,000; Majority Leader of the Senate, \$10,000; Minority Leader of the Senate, \$10,000; Majority Whip of the Senate, \$5,000; Minority Whip of the Senate, \$5,000; and Chairmen of the Majority and Minority Conference Committees, \$3,000 for each Chairman; in all, \$56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$69,895,000, to remain available until expended, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$1,387,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$419,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$2,012,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$624,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$913,000 for each such committee; in all, \$1,826,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY
AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$350,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$161,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$11,357,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$32,700,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,059,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$18,000,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$3,080,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$833,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$3,000; Sergeant at Arms and Doorkeeper of the Senate, \$3,000; Secretary for the Majority of the Senate, \$3,000; Secretary for the Minority of the Senate, \$3,000; in all, \$12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$1,199,100 for each such committee; in all, \$2,398,200, to remain available until expended.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, \$77,000,000, to remain available until expended.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$336,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$1,855,500, to remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$88,800,000, to remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, \$7,200,000, to remain available until expended.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$185,768,000, to remain available until expended.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, \$4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, \$8,500; in all, \$13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) Section 1 of the Congressional Operations Appropriations Act, 1991 (2 U.S.C. 61g-6a), is amended by deleting "\$75,000" and inserting in lieu thereof "\$275,000".

Effective date.
2 USC 61g-6a
note.

(b) Subsection (a) shall take effect on October 1, 1991.

SEC. 2. Section 4(c) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 121c(c)) is amended by adding at the end thereof the following new sentence: "On or before December 31 of each year, the Secretary of the Senate shall withdraw from the fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in excess of \$5,000 in the fund at the close of the preceding fiscal year."

SEC. 3. Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6) is amended—

(1) by inserting immediately after the second sentence thereof the following new sentence: "The Legislative Counsel of the Senate (subject to the approval of the President pro tempore) is authorized to appoint and fix the compensation of not more than 2 consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this section.", and

(2) in the last sentence of such section, by striking out "and the Secretary of the Senate, respectively" and inserting in lieu thereof ", Secretary of the Senate, or Legislative Counsel of the Senate, as the case may be".

2 USC 65f.

SEC. 4. Subsection (a) of section 2 of Public Law 100-71 is amended by—

(1) striking "\$25,000" and inserting "\$50,000", and

(2) striking "The Secretary of the Senate is authorized" and inserting "Hereafter the Secretary of the Senate is authorized".

2 USC 61-1c.

SEC. 5. (a) Notwithstanding the provisions of section 105(d)(1) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1(d)(1)), and except as otherwise provided in subparagraph (C) of such subsection (d)(1), the aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each fiscal year \$1,012,083 if the population of his State is less than 5,000,000.

(b) Subsection (a) shall take effect October 1, 1991.

Effective date.
5 USC 5318
note.

SEC. 6. (a) The rate of pay for the offices referred to under section 703(a)(2)(B) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note) shall be the rate of pay that would be payable for each such office if the provisions of sections 703(a)(2)(B) and 1101(a)(1)(A) of such Act (5 U.S.C. 5318 note and 5305 note) had not been enacted.

(b) The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 503(1)(B) by striking out "legislative branch officers and employees other than Senators, officers, and employees of the Senate and" and inserting in lieu thereof "Senators and legislative branch officers and employees";

(2) in section 505(1) by inserting "a Senator in," before "a Representative"; and

(3) in section 505(2) by striking out "(A)" through "(B)".

(c) Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

(d) Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is repealed.

(e)(1) Of the funds appropriated under the heading "SENATE" in any appropriations Act or joint resolution making funds available to the Senate before fiscal year 1992, and which (except for the provisions of this paragraph) would remain available until expended, of the remaining balances, \$3,040,000, are rescinded.

(2) In addition to funds rescinded under the preceding paragraph, of the funds appropriated under the heading "SALARIES, OFFICERS AND EMPLOYEES" under the heading "SENATE" of the Legislative Branch Appropriations Act, 1991, and which (except for the provisions of this paragraph) would remain available until expended, of the remaining balances, \$250,000, are rescinded effective on the date of the enactment of this Act.

(f)(1) Except for the provisions of subsection (e)(1), the provisions of this section shall take effect on the date of the enactment of this Act.

(2) The provisions of subsection (e)(1) shall take effect on October 1, 1991.

SEC. 7. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended as follows:

(1) in the material preceding clause (1), delete "payment" and insert in lieu thereof "payment (including reimbursement)";

(2) in clauses (3), (4), (5), (7), (8), and (9), delete "reimbursement to each Senator for";

(3) in the material following clause (9), delete "Reimbursement to a Senator and his employees" and insert in lieu thereof "Payment";

(4) in the material following clause (9), delete "reimbursed" and insert in lieu thereof "paid or reimbursed"; and

(5) in the last sentence, delete "reimbursement" and insert in lieu thereof "payment".

(b) Section 3(f) under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(e)) is amended as follows:

(1) in the first sentence of paragraph (1), delete "shall be reimbursed from the contingent fund of the Senate for the rental payments" and insert in lieu thereof "the contingent fund of the Senate is available for the rental payments (including by way of reimbursement)";

(2) in paragraph (2), delete "reimbursed" and insert in lieu thereof "paid";

(3) in paragraph (3), delete "reimbursement" and insert in lieu thereof "payment";

(4) in paragraph (4), delete "reimbursement" and insert in lieu thereof "payment"; and

(5) in paragraph (5), delete "Reimbursement" and insert in lieu thereof "Payment".

(c) The amendments made by subsections (a) and (b) shall take effect October 1, 1991.

SEC. 8. (a) Effective October 1, 1991, the jurisdiction and control of the Senate chamber public address system is transferred from the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate. In the case of any employee of the Architect of the

Effective date.
5 USC app.
503 note.

Effective date.

Effective date.
2 USC 58
note.

Effective date.
2 USC 61f-7
note.

Capitol transferred during fiscal year 1992 to the Sergeant at Arms and Doorkeeper of the Senate as an audio operator—

(1) in the case of days of annual leave to the credit of any such employee as of the date such employee is transferred, the Architect of the Capitol is authorized to make payment to each such employee for that annual leave, and no such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation; and

(2) for purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e), (n), and (q) of such section.

(b) The Architect of the Capitol shall provide the maintenance of the Senate chamber public address system until such system is replaced by a combined public address and audio broadcast system.

SEC. 9. (a) Subject to subsection (b), those employees of the Architect of the Capitol engaged in operating elevators in that part of the United States Capitol Building under the control and jurisdiction of the United States Senate, together with the elevator operating functions performed by such employees, effective October 1, 1991, shall be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate.

(b) The Sergeant at Arms and Doorkeeper of the Senate is authorized to enter into an agreement or other arrangement with the Architect of the Capitol regarding the supervision of such employees.

Effective date.
2 USC 61f-7
note.

HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, \$210,000.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$709,001,000, to remain available until expended, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$5,781,000, including: Office of the Speaker, \$1,477,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$1,127,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$1,388,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, \$1,025,000, including \$5,000 for official expenses of the Majority Whip and not to exceed \$308,930, for the Chief Deputy Majority Whip; Office of the Minority Whip, \$764,000, including \$5,000 for official expenses of the Minority Whip and not to exceed \$93,520, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, \$218,500,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, \$67,900,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, \$409,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, \$57,900,000.

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, \$20,025,000, of which \$8,615,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement for services provided from Members and Officers of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$214,518,000, including: Official Expenses of Members, \$82,600,000; supplies, materials, administrative costs and Federal tort claims, \$19,116,000; net expenses of purchase, lease and maintenance of office equipment, \$4,427,000; furniture and furnishings, \$1,810,000; stenographic reporting of committee hearings, \$1,100,000; reemployed annuitants reimbursements, \$1,000,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, \$103,833,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$632,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this heading may be transferred among the various categories of allowances and expenses under this head-

ing, upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, \$6,500,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, \$80,000,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$48,878,000, including: Office of the Clerk, including not to exceed \$1,000 for official representation and reception expenses, \$20,860,000; Office of the Sergeant at Arms, including not to exceed \$500 for official representation and reception expenses, \$1,288,000; Office of the Doorkeeper, including overtime, as authorized by law, \$10,013,000; Office of the Postmaster, \$4,377,000, including \$126,850 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed \$19,805 per annum each; Office of the Chaplain, \$120,000; Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$946,000; for salaries and expenses of the Office of the Historian, \$361,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$1,356,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$4,171,000; six minority employees, \$713,000; the House Democratic Steering Committee and Caucus, \$1,476,000; the House Republican Conference, \$1,476,000; and other authorized employees, \$1,721,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this heading may be transferred among the various offices and activities under this heading, upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated for fiscal year 1992 for salaries and expenses of the House of Representatives, such amounts as may be necessary may be transferred among the headings "HOUSE LEADERSHIP OFFICES", "MEMBERS' CLERK HIRE", "COMMITTEE EMPLOYEES", "CONTINGENT EXPENSES OF THE HOUSE (STANDING COMMITTEES, SPECIAL AND SELECT)", "CONTINGENT EXPENSES OF THE HOUSE (HOUSE INFORMATION SYSTEMS)", "CONTINGENT EXPENSES OF THE HOUSE (ALLOWANCES AND EXPENSES)", "OFFICIAL MAIL COSTS", and "SALARIES, OFFICERS AND EMPLOYEES", upon approval of the Committee on Appropriations of the House of Representatives.

Effective date.

SEC. 102. Effective for the fiscal years beginning with fiscal year 1992, the annual rate of pay for the positions established for the

Democratic caucus and the Republican conference by section 2 of House Resolution 413, 94th Congress, as enacted by section 201 of the Legislative Branch Appropriations Act, 1976 and the positions established by section 102(a) (1) and (2) of the Legislative Branch Appropriations Act, 1990 shall not exceed the annual rate of pay payable from time to time for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Sec. 103. The Clerk of the House under the direction of the Committee on House Administration, is authorized to receive payments of assessments for monthly equipment charges incurred by such organizations as are authorized by the Committee on House Administration. Receipts under this subsection shall be deposited into the Treasury for credit to the appropriate account under the appropriation for "Salaries and expenses" under the heading "Contingent expenses of the House", "Allowances and expenses".

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,020,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$1,391,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$5,759,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of \$1,500 per month to the Attending Physician; (2) an allowance of \$1,000 per month to one Senior Medical Officer while on duty in the Attending Physician's office; (3) an allowance of \$500 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of \$500 per month each to two assistants and \$400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (5) \$999,800 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$1,509,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, \$64,093,000, of which \$31,741,500 is appropriated to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and \$32,351,500 is appropriated to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That of the amounts appropriated for fiscal year 1992 for salaries, including overtime, and Government contributions to employees' benefits under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including purchasing and supplying uniforms; the purchase, maintenance, and repair of police vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training, protective details, and tuition and registration, expenses associated with the implementation of the Capitol Police Employee Assistance Program, including but not limited to professional referrals, and expenses associated with the awards program not to exceed \$2,000, expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including \$85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, \$2,029,000, to be disbursed by the Clerk of the House: *Provided*, That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed \$4,000: *Provided further*, That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed \$4,000: *Provided further*, That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1992 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, \$1,603,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two addi-

tional individuals for not more than one hundred and twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, \$292,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the One Hundred Second Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$20,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official representation and reception expenses (not to exceed \$3,500 from the Trust Fund) to be expended on the certification of the Director of the Office of Technology Assessment, expenses incurred in administering an employee incentive awards program (not to exceed \$1,800), rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under 42 U.S.C. 1395ww, and 42 U.S.C. 1395w-1, \$21,025,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not to exceed \$2,300 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$22,542,000: *Pro-*

2 USC 605.

vided, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, \$7,858,000.

TRAVEL

40 USC 166a.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$50,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, \$100,000, which shall remain available until expended.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed \$1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$23,021,000, of which \$4,905,000 shall remain available until expended: *Provided*, That of the funds to remain available until expended, \$2,000,000 shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$4,425,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, \$40,406,000, of which \$10,149,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, \$33,403,000, of which \$4,780,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Judiciary Office Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$30,800,000: *Provided*, That not to exceed \$3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1992.

ADMINISTRATIVE PROVISIONS

SEC. 104. (a) Section 108(b)(1) of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b-3b(b)(1)) is amended—

(1) in subparagraph (A), by striking “the rate payable” through the semicolon and inserting “90 percent of the maximum rate allowable for the Senior Executive Service;”;

(2) in subparagraph (B), by striking “the rate payable” through the period and inserting “85 percent of the maximum rate allowable for the Senior Executive Service.”; and

(3) by adding at the end, as a flush left sentence, the following: “For purposes of the preceding sentence, ‘the maximum rate allowable for the Senior Executive Service’ means the highest rate of basic pay that may be set for the Senior Executive Service under section 5382(b) of title 5, United States Code.”

(b) Section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b-3b) is amended by adding at the end the following:

“(c) Effective beginning with any pay period beginning on or after the date of enactment of the Legislative Branch Appropriations Act, 1992, the rate of basic pay for up to 8 positions under the jurisdiction of the Architect of the Capitol may be fixed at such rate as the Architect considers appropriate for each, not to exceed 135 percent

Effective date.

of the minimum rate payable for grade GS-15 of the General Schedule.”.

Sec. 105. The Legislative Branch Appropriations Act, 1989 is amended in the matter under “House Office Buildings”, under the paragraph headed “Architect of the Capitol” (40 U.S.C. 175 note)—

(1) by striking “5 U.S.C. 5307(a)(1)(B)” and inserting “section 5306(a)(1)(B) of title 5, United States Code,”; and

(2) by striking “policy.” and inserting “policy, and subject to any increase which may be allowed by the Committee on House Administration based on performance exceeding an acceptable level of competence over a 52-week period (except that no such performance-based increase shall affect the waiting period or effective date of any longevity step-increase or increase under such section 5306(a)(1)(B)).”.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$55,725,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further*, That notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

2 USC 166
note.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and for printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$89,341,000: *Provided*, That funds remaining from the unexpended balances from obligations made under prior year appropriations for this account shall be available for the purposes of the printing and binding account for the same fiscal year: *Provided further*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for

individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That, to the extent that funds remain from the unexpended balance of fiscal year 1984 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1992".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$2,862,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$196,266,000, of which not more than \$7,300,000 shall be derived from collections credited to this appropriation during fiscal year 1992 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$7,300,000: *Provided further*, That of the total amount appropriated, \$7,636,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That, notwithstanding the provisions of 2 U.S.C. 150, as amended, \$622,000 is to be available to support the catalog cards service.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$25,823,000, of which not more than \$14,000,000 shall be derived from collections credited to this appropriation during fiscal year 1992 under 17 U.S.C. 708(c), and not more than \$1,979,000 shall be derived from collections during fiscal year 1992 under 17 U.S.C. 111(d)(3), 116(c)(1), and 119(b)(2): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$15,979,000: *Provided further*, That \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), \$41,179,000, of which \$9,417,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, \$3,235,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed \$175,690, of which \$54,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Not to exceed \$5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 205. Not to exceed \$12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$10,187,000, of which \$2,000,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, \$865,000, of which \$735,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$26,327,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed \$117,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord

with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed \$5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of twelve passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and expenses" together may not be available for the full-time equivalent employment of more than 5,000 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed \$500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15, nor to any employee involved in the in-house production of printing and binding: *Provided further*, That expenses for attendance at meetings shall not exceed \$95,000: *Provided further*, That the revolving fund shall be available for expenses not to exceed \$100,000 for a special study of GPO's personnel and compensation systems.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed \$7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); \$438,679,000: *Provided*, That not more than \$6,213,000 of reimbursements received incident to the oper-

ation of the General Accounting Office Building shall be available for use in fiscal year 1992: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That, notwithstanding any other provision of law, \$1,800,000 of this appropriation shall be available for the planning, administering, receiving, sponsoring and such other expenses as the Comptroller General deems necessary to represent the United States as host of the 1992 triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAD): *Provided further*, That the General Accounting Office is authorized to solicit and accept contributions to be held in trust, which shall be available without fiscal year limitation, not to exceed \$20,000, for any purpose related to the 1992 triennial Congress.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto:

Provided, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term “agency of the legislative branch” means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term “telecommunications system” means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

SEC. 306. Section 3216(e)(2) of title 39, United States Code, is amended by striking “subsection (1) of this section” each place it appears and inserting “paragraph (1) of this subsection”.

SEC. 307. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, and subject to enactment of authorizing legislation, amounts may be transferred from the appropriation “Library of Congress, Salaries and expenses” to the appropriation “Architect of the Capitol, Library buildings and grounds, Structural and mechanical care” for the purpose of rental, lease, or other agreement, of temporary storage and warehouse space for use by the Library of Congress during fiscal year 1992, and to incur incidental expenses in connection with such use.

SEC. 308. Section 311(d)(2)(A) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a-2a), as amended by section 308 of the Legislative Branch Appropriations Act, 1991 (Public Law 101-520; 104 Stat. 2277), and section 315(a) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 60a-1b(a)) are each amended by striking “5305” and inserting “5303”.

SEC. 309. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 310. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "1991" and inserting "1992". 40 USC 188b-6.

SEC. 311. (a) The provisions of this section shall apply to any individual who is employed by the Senate day care center (known as the "Senate Employee Child Care Center" and hereafter in this section referred to as the "Center") established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 3 of the Act entitled "An Act to authorize appropriations for the American Folklife Center for fiscal years 1985 and 1986, and for other purposes", approved August 21, 1984 (40 U.S.C. 214b; Public Law 98-392; 98 Stat. 1362). Government employees. 40 USC 214c.

(b) Any individual described under subsection (a) who is employed by the Center on or after the date of the enactment of this Act shall be deemed an employee under section 8901(1) of title 5, United States Code, for purposes of health insurance coverage under chapter 89 of such title. An individual described under subsection (a) who is an employee of the Center on the date of the enactment of this Act may elect coverage under this subsection during the 31-day period beginning on the date of the enactment of this Act, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after such date.

(c) The Center shall make such deductions and withholdings from the pay of an individual described under subsection (a) who is an employee of the Center in accordance with subsection (d) of this section.

(d) The Center shall—

(1) maintain records on all employees covered under this section in such manner as the Secretary of the Senate may require for administrative purposes; and

(2) after consultation with the Secretary of the Senate—

(A) make deductions from the pay of employees of amounts determined in accordance with section 8906 of title 5, United States Code; and

(B) transmit such deductions to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(e) Government contributions for individuals receiving benefits under this section, as computed under section 8906 of title 5, United States Code, shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, "miscellaneous items".

(f) The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

SEC. 312. (a)(1) The Clerk of the House of Representatives shall maintain and operate a child care center (to be known as the "House of Representatives Child Care Center") to furnish pre-school child care—

(A) for children of individuals whose pay is disbursed by the Clerk of the House of Representatives or the Sergeant at Arms of the House of Representatives and children of support personnel of the House of Representatives; and

(B) if places are available after admission of all children who are eligible under subparagraph (A), for children of individuals whose pay is disbursed by the Secretary of the Senate and children of employees of agencies of the legislative branch.

Records.

Children and youth. Government organization. 40 USC 184g.

(2) Children shall be admitted to the center on a nondiscriminatory basis and without regard to any office or position held by their parents.

(b)(1)(A) The Speaker of the House of Representatives shall appoint 15 individuals (of whom 7 shall be upon recommendation of the Minority Leader of the House of Representatives), to serve without pay, as members of an advisory board for the center. The board shall—

(i) provide advice to the Clerk on matters of policy relating to the administration and operation of the center (including the selection of the director of the center);

(ii) be chosen from among Members of the House of Representatives, spouses of Members, parents of children enrolled in the center, and other individuals with expertise in child care or interest in the center; and

(iii) serve during the Congress in which they are appointed, except that a member of the board may continue to serve after the expiration of a term until a successor is appointed.

(B) The director of the center shall serve as an additional member of the board, ex officio and without the right to vote.

(2) A vacancy on the board shall be filled in the manner in which the original appointment is made.

(3) The chairman of the board shall be elected by the members of the board.

(c) In carrying out subsection (a), the Clerk is authorized—

(1) to collect fees for child care services;

(2) to accept such gifts of money and property as may be approved by the Chairman and the ranking minority party member of the Committee on House Administration of the House of Representatives, acting jointly; and

(3) to employ a director and other employees for the center.

(d)(1) There is established in the contingent fund of the House of Representatives an account which, subject to appropriation, and except as provided in paragraph (2), shall be the exclusive source for all salaries and expenses for activities carried out under this section. The Clerk shall deposit in the account any amounts received under subsection (c).

(2) During fiscal year 1992, of the funds provided in this Act for the "HOUSE OF REPRESENTATIVES" under "SALARIES AND EXPENSES", not more than \$45,000 may be expended to carry out this section, subject to approval of the Committee on Appropriations of the House of Representatives. Any amount under this paragraph shall be in addition to any amount made available under paragraph (1).

(e) As used in this section—

(1) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

(3) the term "support personnel" means, with respect to the House of Representatives, any employee of a credit union or of

Gifts and
property.

the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives.

(f) House Resolution 21, Ninety-ninth Congress, agreed to December 11, 1985, enacted into permanent law by section 103 of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (40 U.S.C. 184b-184f) is repealed.

SEC. 313. Technical Corrections to Ethics in Government Act of 1978. The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 103(i) by striking “7-day” and inserting “30-day”;

and

(2) in section 105(b)(1) by—

(A) striking “Each agency” and inserting “Except as provided in the second sentence of this subsection, each agency”; and

(B) inserting after the first sentence the following: “With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g).”

Reports.
Public
information.

SEC. 314. (a) Section 102(a)(2) of the Ethics in Government Act of 1978 is amended—

(1) by repealing subparagraph (A);

(2) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(3) by amending subparagraph (A) (as redesignated) to read as follows:

“(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of \$100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.”;

Gifts and
property.

(4) by striking “\$250 or more in value” in subparagraph (B) (as redesignated) and inserting “more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater”; and

(5) by striking “or (B)” in subparagraph (C) (as redesignated).

(b) Section 505(3) of the Ethics in Government Act of 1978 is amended by inserting “(including a series of appearances, speeches, or articles if the subject matter is directly related to the individual’s official duties or the payment is made because of the individual’s status with the Government)” before “by a Member”.

5 USC app. 505.

5 USC app. 102.

2 USC 31-2.

(c) Section 901(a) of the Ethics Reform Act of 1989 is amended—

(1) by repealing paragraphs (1), (3), and (4);

(2) by redesignating paragraphs (2), (5), (6), (7), and (8) as paragraphs (1) through (5), respectively;

(3) in paragraph (1) (as redesignated), by striking “having an aggregate value exceeding \$300 during a calendar year” and inserting “in any calendar year aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater”;

(4) in paragraph (2) (as redesignated) by striking “less than \$75” and inserting “\$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978”; and

(5) in paragraph (3) (as redesignated), by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(d) Clause 4 of rule XLIII of the Rules of the House of Representatives is amended—

(1) by striking “\$75 or less” and inserting “\$100 or less, as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978”;

(2) by striking “paragraph (5) of section 7342” and inserting “section 7342(a)(5)”; and

(3) by inserting “or \$250, whichever is greater” after “United States Code,”.

(e) The last sentence of section 7701(k) of the Internal Revenue Code of 1986 is amended to read as follows: “For purposes of this subsection, a Senator, a Representative in, or a Delegate or Resident Commissioner to, the Congress shall be treated as an officer or employee of the Federal Government.”.

(f) The provisions of this section that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(g) The amendments made by this section shall take effect on January 1, 1992.

SEC. 315. Of the funds appropriated or otherwise made available under the heading “OFFICIAL MAIL COSTS” under the heading “SENATE” in the Legislative Branch Appropriations Act, 1991 and which would remain available until expended, \$150,000 of the remaining balances are rescinded: *Provided*, That the amount re-26 USC 7701.
Government
employees.5 USC app.
101 note.Effective date.
2 USC 31-2
note.

scinded by this section shall be deducted from the amount allocated by the Committee on Rules and Administration to the junior Senator from Pennsylvania for mass mail.

This Act may be cited as the "Legislative Branch Appropriations Act, 1992".

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 2506:

HOUSE REPORTS: Nos. 102-82 (Comm. on Appropriations) and 102-176 (Comm. of Conference).

SENATE REPORTS: No. 102-81 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 5, considered and passed House.

July 17, considered and passed Senate, amended.

July 31, House agreed to conference report.

Aug. 2, Senate agreed to conference report.

Public Law 102-91
102d Congress

An Act

Aug. 14, 1991
[H.R. 2901]

To authorize the transfer by lease of 4 naval vessels to the Government of Greece.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO LEASE.

(a) **IN GENERAL.**—The Secretary of the Navy is authorized to lease the following “CHARLES F. ADAMS” class guided missile destroyers to the Government of Greece: “JOSEPH STRAUSS (DDG-16), SEMMES (DDG-18), RICHARD E. BYRD (DDG-23), WADDELL (DDG-24). A lease under this Act may be renewed.

(b) **APPLICABLE LAW.**—Such lease shall be in accordance with chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following), except that section 62 of that Act (22 U.S.C. 2796A; relating to reports to Congress) shall only apply to renewals of the lease.

SEC. 2. COSTS OF LEASE.

Any expense of the United States in connection with the lease authorized by section 1 shall be charged to the Government of Greece.

SEC. 3. CONSIDERATION FOR LEASE.

Notwithstanding section 321 of the Act of June 30, 1931 (40 U.S.C. 303b), the lease of the ships described in section 1(a) may provide, as part or all of the consideration for the lease, for the maintenance, protection, repair, or restoration of the ships by the Government of Greece.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1(a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act unless the lease authorized by that section is entered into during that period.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.R. 2901:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 29, considered and passed House.
July 31, considered and passed Senate.

Public Law 102-92
102d Congress

Joint Resolution

To designate September 13, 1991, as "Commodore John Barry Day".

Aug. 14, 1991
[H.J. Res. 166]

Whereas John Barry, an immigrant from Ireland, volunteered his services to the Continental Navy and was commissioned as captain on October 10, 1775;

Whereas during the War for Independence Captain John Barry achieved the first victory for the Continental Navy while in command of the ship "Lexington" by capturing the British ship "Edward", organized General George Washington's crossing of the Delaware River which led to the victory at Trenton in 1776, transported gold from France to America while in command of the ship "Alliance", and achieved the last victory of the war for the Continental Navy while in command of "Alliance" by defeating the British ship HMS Sybille;

Whereas during the War for Independence Captain John Barry rejected British General Lord Howe's offer to desert the Continental Navy and join the British Navy, stating: "Not the value and command of the whole British fleet can lure me from the cause of my country.";

Whereas after the War for Independence the United States Congress recognized Commodore John Barry as the premier American naval hero of that war;

Whereas in 1787 Captain John Barry organized the compulsory attendance of members of the Constitutional Convention in Philadelphia, thus ensuring the quorum necessary to adopt the Constitution and recommend it to the States for ratification;

Whereas on June 14, 1794, pursuant to "Commission No. 1", President Washington commissioned John Barry as commodore in the new United States Navy;

Whereas Commodore John Barry helped to build and lead the new United States Navy which included his command of the U.S.S. United States and U.S.S. Constitution ("Old Ironsides");

Whereas Commodore John Barry is recognized along with General Stephen Moylan in the Statue of Liberty Museum as 1 of 6 foreign-born great leaders of the War for Independence;

Whereas in 1982 President Ronald Reagan proclaimed September 13th, the date of John Barry's birth, as "Commodore John Barry Day";

Whereas in 1986 the New York State legislature designated September 13th of each year as "Commodore John Barry Day" in the State of New York; and

Whereas designating a day to commemorate Commodore John Barry would be important to United States Navy veterans, Irish-Americans, and to all the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 13, 1991, is designated as "Commodore John Barry Day", and the

President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 166:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Aug. 1, considered and passed House.

Aug. 2, considered and passed Senate.

Public Law 102-93
102d Congress

Joint Resolution

Designating August 1, 1991, as "Helsinki Human Rights Day".

Aug. 14, 1991

[H.J. Res. 264]

Whereas August 1, 1991, is the 16th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereinafter in this preamble referred to as the "Helsinki accords");

Whereas on August 1, 1975, the Helsinki accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia;

Whereas the Helsinki accords express the commitment of the participating states to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the participating States have committed themselves to "ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration of Principles and other CSCE commitments";

Whereas the participating States have committed themselves to "respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States";

Whereas the participating States have recognized that respect for human rights is an essential aspect for the protection of the environment and for economic prosperity;

Whereas the participating States have committed themselves to respect fully the right of everyone to leave any country, including their own, and to return to their country;

Whereas the participating States have affirmed that the "ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right to freely express, preserve and develop that identity without any discrimination and in full equality before the law";

Whereas the participating States recognize that "democratic government is based on the will of the people, expressed regularly through free and fair elections; and democracy has as its foundation respect for the person and the rule of law; and democracy is

the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person"; Whereas on November 21, 1990, the heads of State or government from the signatory States signed the Charter of Paris for a New Europe, a document which has added clarity and precision to the obligations undertaken by the States signing the Helsinki accords; Whereas the Conference on Security and Cooperation in Europe has made major contributions to the positive developments in Eastern and Central Europe and the Union of Soviet Socialist Republics, including greater respect for the human rights and fundamental freedoms of individuals and groups; Whereas the Conference on Security and Cooperation in Europe provides an excellent framework for the further development of genuine security and cooperation among the participating States; and Whereas, despite significant improvements, all participating States have not yet fully implemented their obligations under the Helsinki accords: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1991, the 16th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereinafter referred to as the "Helsinki accords") is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory States to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory State which may be in violation;

(4) the President is further requested to convey to all signatories of the Helsinki accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is further requested, in view of the considerable progress made to date, to develop new proposals to advance the human rights objectives of the Helsinki process, and in so

doing to address the major problems that remain, including the question of self-determination of peoples.

SEC. 2. The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors to the United States of the other 34 Helsinki signatory States.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 264:

CONGRESSIONAL RECORD, Vol. 137 (1991):

July 29, considered and passed House.

July 31, considered and passed Senate.

Public Law 102-94
102d Congress

Joint Resolution

Aug. 14, 1991

[H.J. Res. 309]

Designating August 29, 1991, as "National Sarcoidosis Awareness Day".

Whereas sarcoidosis is a systemic disease of unknown causes that can affect any part of the body;

Whereas sarcoidosis affects between 20 and 50 individuals in 100,000 in the United States;

Whereas most victims of the disease range in age between 20 and 40 years, with blacks being affected at least 10 times more often than other ethnic groups in the United States;

Whereas between 10 to 20 percent of individuals stricken with sarcoidosis eventually develop serious disabling conditions caused by damage to vital organs, such as lungs, heart, and central nervous system;

Whereas sarcoidosis is an enigma in the realm of medicine and disease that requires extensive and ongoing study and research in an effort to develop an effective treatment and eventually a cure;

Whereas individuals with sarcoidosis and family members across the United States are seeking treatment and support services to assist in controlling the effects of the disease;

Whereas grassroot support groups and nonprofit organizations are forming across the United States to encourage public awareness of the mysterious and debilitating disease;

Whereas the Federal Government has a responsibility to lead a nationwide effort to find a cure for the disabling disease; and

Whereas the Federal Government should make research into the causes of the life-threatening ailment a greater priority and provide the public with more information about potential treatments for individuals with sarcoidosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 29, 1991, is designated as "National Sarcoidosis Awareness Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Approved August 14, 1991.

LEGISLATIVE HISTORY—H.J. Res. 309:**CONGRESSIONAL RECORD, Vol. 137 (1991):**

Aug. 1, considered and passed House.

Aug. 2, considered and passed Senate.

Public Law 102-95
102d Congress

An Act

To improve the operation and effectiveness of the United States National Commission on Libraries and Information Science, and for other purposes.

Aug. 14, 1991
[S. 1593]

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 "National Commission on Libraries and Information Science Act Amendments of 1991".

National
Commission on
Libraries and
Information
Science Act
Amendments
of 1991.
20 USC 1501
note.

SEC. 2. COMMISSION ESTABLISHED.

Subsection (b) of section 3 of the National Commission on Libraries and Information Science Act (hereafter in this Act referred to as the "Act") (20 U.S.C. 1502(b)) is repealed.

SEC. 3. CONTRIBUTIONS.

Section 4 of the Act (20 U.S.C. 1503) is amended to read as follows:

"SEC. 4. CONTRIBUTIONS.

"The Commission is authorized to accept, hold, administer, and utilize gifts, bequests, and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Commission."

SEC. 4. FUNCTIONS.

Paragraph (6) of section 5(a) of the Act (20 U.S.C. 1504(a)(6)) is amended by striking "the national communications networks" and inserting "national and international communications and cooperative networks".

SEC. 5. MEMBERSHIP.

Subsection (a) of section 6 of the Act (20 U.S.C. 1505(a)) is amended—

(1) after the third sentence thereof, by inserting the following new sentence: "A majority of members of the Commission shall constitute a quorum for conduct of business at official meetings of the Commission."; and

(2) in the fourth sentence thereof by striking "(1) the terms of office" and all that follows through "time of appointment," and inserting "(1) the term of office of any member of the Commission shall continue until the earlier of (A) the date on which the member's successor has been appointed by the President; or (B) July 19 of the year succeeding the year in which the member's appointed term of office shall expire,".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Act (20 U.S.C. 1506) is amended to read as follows:

“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$911,000 for fiscal year 1992 and such sums as may be necessary for each succeeding fiscal year thereafter to carry out the provisions of this Act.”.

· Approved August 14, 1991.

LEGISLATIVE HISTORY—S. 1593:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 30, considered and passed Senate.
Aug. 1, considered and passed House.

Public Law 102-96
102d Congress

An Act

To honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes.

Aug. 14, 1991
[S. 1594]

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 "Terry Beirn Community Based AIDS Research Initiative Act of 1991".

Terry Beirn
Community
Based AIDS
Research
Initiative
Act of 1991.
42 USC 201
note.
42 USC 300cc-
13 note.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) community-based clinical trials complement the National Institute of Allergy and Infectious Diseases' university-based research in order to provide increased access to experimental therapies;

(2) community-based clinical trials provide an efficient and cost-effective means to develop new HIV-related treatments, benefiting all people living with HIV disease and other illnesses; and

(3) because the community-based clinical trials model has a proven ability to conduct rapid trials that meet the very highest standards of scientific inquiry, this program should be reauthorized and significantly expanded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, because of Terry Beirn's tireless efforts to foster a partnership among all parties invested in AIDS research (including the National Institutes of Health university-based research system, primary care physicians practicing in the community, and patients), the community-based clinical trials program should be renamed as the "Terry Beirn Community-Based AIDS Research Initiative" in his honor.

SEC. 3. COMMUNITY-BASED EVALUATIONS OF EXPERIMENTAL THERAPIES.

Section 2313 of the Public Health Service Act (42 U.S.C. 300cc-13) is amended—

(1) in the section heading to read as follows:

"SEC. 2313. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.";

(2) in subsection (c)—

(A) by amending the subsection heading to read as follows: "PARTICIPATION OF PRIVATE INDUSTRY, SCHOOLS OF MEDICINE AND PRIMARY PROVIDERS"; and

(B) by striking out "schools of medicine and osteopathic medicine" and inserting in lieu thereof "schools of medicine, osteopathic medicine, and existing consortia of pri-

mary care providers organized to conduct clinical research concerning acquired immune deficiency syndrome"; and (3) in subsection (e)—

(A) by striking out "1991" in paragraph (1) and inserting in lieu thereof "1996"; and

(B) by striking out "1991" in paragraph (2) and inserting in lieu thereof "1996".

Approved August 14, 1991.

LEGISLATIVE HISTORY—S. 1594:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 31, considered and passed Senate.
Aug. 2, considered and passed House.

Public Law 102-97
102d Congress

Joint Resolution

To designate the week of September 15, 1991, through September 21, 1991, as
“National Rehabilitation Week”.

Aug. 14, 1991
[S.J. Res. 72]

Whereas the designation of a week as “National Rehabilitation Week” gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the week of September 15, 1991, through September 21, 1991, is designated as “National Rehabilitation Week” and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the

citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

Approved August 14, 1991.

LEGISLATIVE HISTORY—S.J. Res. 72:

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 26, considered and passed Senate.

Aug. 1, considered and passed House.

Public Law 102-98
102d Congress

An Act

To direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history.

Aug. 17, 1991
[H.R. 904]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

African
American
History
Landmark
Theme Study
Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "African American History Landmark Theme Study Act".

16 USC 1a-5
note.

SEC. 2. THEME STUDY.

16 USC 1a-5
note.

(a) The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall prepare and transmit to the Congress a national historic landmark theme study on African American history (hereafter in this Act referred to as the "theme study").

(b) The purpose of the theme study shall be to identify the key sites in the history and experience of those Americans who trace their origins to Africa so that all Americans will gain better understanding of American history.

(c) In the theme study, the Secretary shall identify, evaluate, and nominate as national historic landmarks the districts, sites, buildings, and structures and landscapes that illustrate or commemorate African American history.

(d) On the basis of the theme study, the Secretary shall—

(1) identify possible new park units appropriate to the theme of African American history; and

(2) prepare a list of the most appropriate sites, including a discussion of the feasibility and suitability of their inclusion in the National Park System.

(e) The theme study shall be completed not later than 3 years after the date funds are made available for such study.

SEC. 3. CONSULTATION.

16 USC 1a-5
note.

The Secretary shall prepare the theme study in consultation with scholars of African American history and historic preservationists.

SEC. 4. COOPERATIVE AGREEMENT.

16 USC 1a-5
note.

(a) The Secretary shall enter into a cooperative agreement with one or more scholarly and public historic organizations to—

(1) prepare the theme study; and

(2) ensure that the theme study is prepared in accordance with generally accepted scholarly standards.

(b) The scholarly and public historic organization or organizations described in subsection (a) shall be—

- (1) knowledgeable of African American history; and
- (2) recognized in the scholarly community as adhering to generally accepted scholarly standards.

16 USC 1a-5
note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$500,000 to carry out this Act.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 904:

HOUSE REPORTS: No. 102-49 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-90 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
May 7, considered and passed House.
June 25, considered and passed Senate, amended.
Aug. 1, House concurred in Senate amendments.

Public Law 102-99
102d Congress

An Act

To extend the expiration date of the Defense Production Act of 1950, and for other purposes.

Aug. 17, 1991
[H.R. 991]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Defense
Production Act
Extension and
Amendments of
1991.
50 USC app.
2061 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Extension and Amendments of 1991".

SEC. 2. EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950.

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 "October 20, 1990" and inserting "September 30, 1991".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 711(a)(4) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(a)(4)) is amended to read as follows:

"(4)(A) There are authorized to be appropriated for fiscal year 1991, not to exceed \$50,000,000 to carry out the provisions of sections 301, 302, and 303.

"(B) The aggregate amount of loans, guarantees, purchase agreements, and other actions under sections 301, 302, and 303 during fiscal year 1991 may not exceed \$50,000,000."

SEC. 4. VOLUNTARY AGREEMENTS.

Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

SEC. 5. TECHNICAL AMENDMENTS RESTORING ANTITRUST IMMUNITY FOR EMERGENCY ACTIONS INITIATED BY THE PRESIDENT.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (a), by striking "and subsection (j) of section 708A";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) **DEFINITIONS.**—For purposes of this Act—

"(1) **ANTITRUST LAWS.**—The term 'antitrust laws' has the meaning given to such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) **PLAN OF ACTION.**—The term 'plan of action' means any of 1 or more documented methods adopted by participants in an existing voluntary agreement to implement that agreement.";

(3) in subsection (c)(1)—

(A) by striking "Except as otherwise provided in section 708A(o), upon" and inserting "Upon"; and

- (B) by inserting “and plans of action” after “voluntary agreements”;
- (4) in subsection (c)(2), by striking the last sentence;
- (5) in the 2nd sentence of subsection (d)(1)—
- (A) by inserting “and except as provided in subsection (n)” after “specified in this section”; and
- (B) by striking “, and the meetings of such committees shall be open to the public”;
- (6) in subsection (d)(2), by striking out “section 552 (b)(1) and (b)(3)” and inserting “paragraphs (1), (3), and (4) of section 552(b)”;
- (7) in subsection (e)(1), by inserting “and plans of action” after “voluntary agreements”;
- (8) in subsection (e)(3)(D), by striking “subsection (b)(1) or (b)(3) of section 552” and inserting “section 552(b)”;
- (9) in subsection (e)(3)(F)—
- (A) by striking “General and to” and inserting “General,”; and
- (B) by inserting “, and the Congress” before the semicolon;
- (10) in subsection (e)(3)(G), by striking “subsections (b)(1) and (b)(3) of section 552” and inserting “paragraphs (1), (3), and (4) of section 552(b)”;
- (11) in subsections (f) and (g)—
- (A) by inserting “or plan of action” after “voluntary agreement” each place such term appears; and
- (B) by inserting “or plan” after “the agreement” each place such term appears;
- (12) in subsection (f)(1)(A) (as amended by paragraph (11) of this section) by inserting “and submits a copy of such agreement or plan to the Congress” before the semicolon;
- (13) in subsection (f)(1)(B) (as amended by paragraph (11) of this section) by inserting “and publishes such finding in the Federal Register” before the period;
- (14) in subsection (f)(2) (as amended by paragraph (11) of this section) by inserting “and publish such certification or finding in the Federal Register” before “, in which case”;
- (15) in subsection (h)—
- (A) by inserting “and plans of action” after “voluntary agreements”;
- (B) by inserting “or plan of action” after “voluntary agreement” each place such term appears;
- (C) by striking “and” at the end of paragraph (9);
- (D) by striking the period at the end of paragraph (10) and inserting “; and”; and
- (E) by adding at the end the following new paragraph:
- “(11) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement or plan of action shall provide prior written notification of the time, place, and nature of any meeting to carry out a voluntary agreement or plan of action to the Attorney General, the Chairman of the Federal Trade Commission and the Congress.”;
- (16) in subsection (h)(3), by striking “subsections (b)(1) and (b)(3) of section 552” and inserting “paragraph (1), (3), or (4) of section 552(b)”;

Federal
Register,
publication.

Federal
Register,
publication.

(17) in paragraphs (7) and (8) of subsection (h), by striking “subsection (b)(1) or (b)(3) of section 552” and inserting “section 552b(c)”;

(18) by striking subsection (j) and inserting the following new subsection:

“(j) DEFENSES.—

“(1) IN GENERAL.—Subject to paragraph (4), there shall be available as a defense for any person to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out any voluntary agreement or plan of action under this section that—

“(A) such action was taken—

“(i) in the course of developing a voluntary agreement initiated by the President or a plan of action adopted under any such agreement; or

“(ii) to carry out a voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement, and

“(B) such person—

“(i) complied with the requirements of this section and any regulation prescribed under this section; and

“(ii) acted in accordance with the terms of the voluntary agreement or plan of action.

“(2) SCOPE OF DEFENSE.—Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense established in paragraph (1) shall be available only if and to the extent that the person asserting the defense demonstrates that the action was specified in, or was within the scope of, an approved voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement and approved in accordance with this section. The defense established in paragraph (1) shall not be available unless the President or the President’s designee has authorized and actively supervised the voluntary agreement or plan of action.

“(3) BURDEN OF PERSUASION.—Any person raising the defense established in paragraph (1) shall have the burden of proof to establish the elements of the defense.

“(4) EXCEPTION FOR ACTIONS TAKEN TO VIOLATE THE ANTITRUST LAWS.—The defense established in paragraph (1) shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.”;

(19) in subsection (k), by inserting “and plans of action” after “voluntary agreements” each place such term appears;

(20) in subsection (l) by inserting “or plan of action” after “voluntary agreement”; and

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

“(n) EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.—Notwithstanding any other provision of law, any activity conducted under a voluntary agreement or plan of action approved pursuant to this section, when conducted in compliance with the requirements of this section, any regulation prescribed under this subsection, and the provisions of the voluntary agreement or plan of action, shall be exempt from the Federal Advisory Committee Act and any other

Federal law and any Federal regulation relating to advisory committees.

“(o) **PREEMPTION OF CONTRACT LAW IN EMERGENCIES.**—In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.”

SEC. 6. TECHNICAL AMENDMENTS TO PRIORITIES IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(1) in subsection (a)(2) by striking “materials and facilities” and inserting “materials, services, and facilities”;

(2) in subsection (c)(1) by striking “supplies of materials and equipment” and inserting “materials, equipment, and services”;

(3) by striking paragraphs (2) and (3) and inserting the following new paragraph:

“(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, services, and facilities in the marketplace, unless the President finds that—

“(A) such materials, services, and facilities are scarce, critical, and essential—

“(i) to maintain or expand exploration, production, refining, transportation;

“(ii) to conserve energy supplies; or

“(iii) to construct or maintain energy facilities; and

“(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection.”; and

(4) by redesignating paragraph (4) as paragraph (3).

50 USC app.
2071 note.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on October 20, 1990.

SEC. 8. EXEMPTION FROM TERMINATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) (as amended by section 2 of this Act) is amended by striking “and 719” and inserting “719, and 721”.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 991 (S. 348) (S. 468):

HOUSE REPORTS: Nos. 102-7 (Comm. on Banking, Finance and Urban Affairs) and 102-186 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Feb. 5, S. 348 considered and passed Senate.

Feb. 21, S. 468 considered and passed Senate.

Mar. 6, H.R. 991 considered and passed House.

Mar. 7, considered and passed Senate, amended, in lieu of S. 468.

Aug. 2, House and Senate agreed to conference report.

Public Law 102-100
102d Congress

An Act

To authorize appropriations for fiscal year 1992 for the Federal Maritime Commission, and for other purposes.

Aug. 17, 1991
[H.R. 1006]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal
Maritime
Commission
Authorization
Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act of 1991".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Maritime Commission \$17,974,000 for fiscal year 1992.

SEC. 3. COASTWISE TRADE AUTHORIZATION.

(a) **IN GENERAL.**—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), or any other provision of law restricting the operation of foreign-flag vessels in the coastwise trade of the United States, as applicable on the date of enactment of this Act, the foreign-flag vessel NORDIC LOUISIANA may, during the period described in subsection (b), engage in the transportation by water of molten sulphur in the coastwise trade of the United States, if—

(1) a binding contract for the construction or rebuilding, in the United States, of a coastwise-qualified replacement vessel is executed within 9 months after the date of enactment of this Act;

(2) all ship repair work on the NORDIC LOUISIANA necessary to its operation under this section is performed in the United States; and

(3) all officers and crew members employed on board the NORDIC LOUISIANA during its operation under this section are United States citizens.

(b) **PERIOD OF AUTHORIZATION.**—The period of transportation authorized under subsection (a) begins on the date of enactment of this Act and ends on the earlier of—

(1) the date that is 4 years after such date of enactment; or

(2) the date of delivery of a coastwise-qualified replacement vessel constructed in or rebuilt in the United States.

SEC. 4. WAIVERS FOR CERTAIN VESSELS.

(a) **AUTHORIZATION TO ISSUE CERTIFICATES OF DOCUMENTATION.**—Notwithstanding section 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) ARGOSY (United States official number 528616).

(2) CUTTY SARK (United States official number 282523).

(3) JIGGS (United States official number 208787).

- (4) LOIS T (United States official number 668034).
 - (5) MARICA (State of Maryland registration number MD 6417P).
 - (6) PHOENIX (United States official number 655712).
 - (7) PURE PLEASURE (United States official number 968163).
 - (8) STARLIGHT VIII (United States official number 910317).
 - (9) WINDWARD III (United States official number 552289).
 - (10) LOGAN T (United States official number 953795).
 - (11) ERIC WC (hull identification number 64103).
 - (12) COMMANDO (United States official number 955188).
- (b) **WAIVER FOR CERTAIN INFLATABLE VESSELS.**—Notwithstanding section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the following inflatable vessels may engage in the coastwise trade:
- (1) Serial number 3968B, model number J990.
 - (2) Serial number 4581B, model number J990.
 - (3) Serial number A501A, model number D989.
 - (4) Serial number A502A, model number D989.
 - (5) Serial number 6291C, model number G091.
 - (6) Serial number 6300C, model number G091.
 - (7) Serial number 7302C, model number G091.
 - (8) Serial number 7305C, model number G091.
- (c) **DOCUMENTATION OF M/V NUSHAGAK.**—Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the fish processing vessel NUSHAGAK, United States official number 618759.

SEC. 5. CONTROLLED CARRIERS.

(a) **CONTROLLED CARRIER RATES.**—Section 9(a) of the Shipping Act of 1984 (46 App. U.S.C. 1708(a)) is amended by inserting “or service contracts” immediately after “tariffs” each place it appears.

(b) **EFFECTIVE DATE OF RATES.**—Section 9(c) of the Shipping Act of 1984 (46 App. U.S.C. 1708(c)) is amended by inserting “and except for service contracts” immediately after “Notwithstanding section 8(d) of this Act”.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 1006:

HOUSE REPORTS: No. 102-80 (Comm. on Merchant Marine and Fisheries).

SENATE REPORTS: No. 102-134 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 24, considered and passed House.

Aug. 1, considered and passed Senate, amended.

Aug. 2, House concurred in Senate amendment.

Public Law 102-101
102d Congress

An Act

To authorize a study of nationally significant places in American labor history.

Aug. 17, 1991

[H.R. 1143]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THEME STUDY.

16 USC 1a-5
note.

(a) The Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall prepare and transmit to the Congress a National Historic Landmark Theme Study on American Labor History (hereafter in this Act referred to as the "Theme Study"). The Theme Study shall be prepared in consultation with the Secretary of Labor and pursuant to the guidelines prepared under section 2. The purpose of the Theme Study shall be to identify the key sites in American labor history, including the history of workers and their work, of organizing, unions and strikes, of the impacts of industrial and technological change, and of the contributions of American labor to American history. The Theme Study shall identify, evaluate, and nominate as national historic landmarks those districts, sites, buildings, and structures that best illustrate or commemorate American labor history in its fullest variety. On the basis of the Theme Study, the Secretary shall identify possible new park units appropriate to this theme and prepare a list in order of importance or merit of the most appropriate sites. The list shall include a discussion of the feasibility and suitability of such sites.

(b) The theme study shall be completed not later than 3 years after the date funds are made available for such study.

SEC. 2. CONSULTATION.

16 USC 1a-5
note.

The Secretary shall consult with workers, workers' representatives, scholars of labor history, and historic preservationists for technical assistance and for the preparation of guidelines for the Theme Study.

16 USC 1a-5
note.

SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary shall enter into cooperative agreements with one or more major scholarly and public historic organizations knowledgeable of American labor history to prepare the Theme Study and ensure that the Theme Study meets scholarly standards.

16 USC 1a-5
note.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated \$250,000 to carry out this Act.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 1143:

HOUSE REPORTS: No. 102-50 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 102-91 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 137 (1991):
 May 7, considered and passed House.
 June 25, considered and passed Senate, amended.
 Aug. 1, House concurred in Senate amendments.

Public Law 102-102
102d Congress

An Act

To amend the District of Columbia Self-Government and Governmental Reorganization Act to establish a predictable and equitable method for determining the amount of the annual Federal payment to the District of Columbia.

Aug. 17, 1991
[H.R. 2123]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of
Columbia
Budgetary
Efficiency
Act of 1991.

SECTION 1. SHORT TITLE; PURPOSE.

(a) **SHORT TITLE.**—This Act may be cited as the “District of Columbia Budgetary Efficiency Act of 1991”.

(b) **PURPOSE.**—It is the purpose of this Act to assist the District of Columbia in compensating for revenue shortages resulting from the unreimbursed services provided by the District to the Federal Government and the significant deficiencies in the District’s tax base resulting from federally imposed limitations on the District’s ability to raise revenue, including (but not limited to)—

(1) the exemption from taxation of property owned by the Federal Government or by any foreign government which uses such property for diplomatic purposes;

(2) the statutory prohibition on taxation of income earned in the District by any individual who is not a resident of the District; and

(3) limitations on the height of buildings located in the District.

SEC. 2. ANNUAL FEDERAL PAYMENT TO DISTRICT OF COLUMBIA.

(a) **AMOUNT.**—The first sentence of section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-3405(a), D.C. Code) is amended by striking “\$386,000,000” and all that follows and inserting the following: “\$386,000,000; for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988, the sum of \$474,500,000; for each of the fiscal years ending September 30, 1989, and September 30, 1990, the sum of \$494,500,000; for the fiscal year ending September 30, 1991, the sum of \$596,500,000; and for the fiscal year ending September 30, 1992, the sum of \$630,000,000.”.

(b) **FORMULA.**—Title V of such Act is amended by adding at the end the following new section:

“**FEDERAL PAYMENT FORMULA**

“**SEC. 503.** (a) There is authorized to be appropriated as the annual Federal payment to the District of Columbia an amount equal to 24 percent of the following local revenues:

Appropriation
authorization.

“(1) For the Federal payment for fiscal year 1993, the local revenues for fiscal year 1991.

“(2) For the Federal payment for fiscal year 1994, the local revenues for fiscal year 1992.

“(3) For the Federal payment for fiscal year 1995, the local revenues for fiscal year 1993.

“(b) For purposes of subsection (a), the term ‘local revenues’ means, with respect to a fiscal year, the independently audited revenues of the District of Columbia that are derived from sources other than the Federal Government during that year, as reviewed by the Comptroller General under section 715(e) of title 31, United States Code.”

(c) **BREAKDOWN OF DISTRICT REVENUES.—**

(1) **DETERMINATION UNDER INDEPENDENT ANNUAL AUDIT.—**The first sentence of section 4(a) of Public Law 94-399 (sec. 47-119(a), D.C. Code) is amended by striking the period and inserting the following: “, and shall include in such independent audit a report of the revenues of the District of Columbia for the fiscal year, broken down by revenues derived from the Federal Government and revenues derived from sources other than the Federal Government during that fiscal year.”

(2) **REVIEW BY COMPTROLLER GENERAL.—**Section 715 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) Not later than March 1 of each year, the Comptroller General shall submit to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the Senate a review of the report of the breakdown of the independently audited revenues of the District of Columbia for the preceding fiscal year by revenues derived from the Federal Government and revenues derived from sources other than the Federal Government that is included in the independent annual audit of the funds of the District of Columbia conducted for such fiscal year.”

(d) **CLERICAL AMENDMENT.—**The table of contents of such Act is amended by inserting after the item relating to section 502 the following new item:

“Sec. 503. Federal Payment Formula.”

(e) **EFFECTIVE DATE.—**The amendments made by this section shall take effect on the date of the enactment of this Act.

Approved August 17, 1991.

31 USC 715
note.

LEGISLATIVE HISTORY—H.R. 2123:

HOUSE REPORTS: No. 102-92 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 137 (1991):
June 11, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 102-103
102d Congress

An Act

To amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes.

Aug. 17, 1991
[H.R. 2313]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Children and youth.

TITLE I—AMENDMENTS TO SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT OF 1988

National Dropout Prevention Act of 1991.

SEC. 101. SHORT TITLE.

20 USC 3241 note.

This title may be cited as the “National Dropout Prevention Act of 1991”.

SEC. 102. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 6003(a) of the School Dropout Demonstration Assistance Act of 1988 (hereafter in this title referred to as the “Act”) (20 U.S.C. 3243(a)) is amended to read as follows:

“(a) **IN GENERAL.**—Subject to subsection (b), there are authorized to be appropriated for the purposes of this part \$50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993.”.

SEC. 103. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) **AMENDMENTS.**—Section 6004 of the Act (20 U.S.C. 3244) is amended—

(1) in subsection (a), by striking “\$1,500,000” and inserting “\$2,000,000”;

(2) in subsection (c), by inserting after “value as a demonstration.” the following: “Any local educational agency, educational partnership, or community-based organization that has received a grant under this Act shall be eligible for additional funds subject to the requirements under this Act.”; and

(3) in subparagraph (B) of subsection (f)(1), by striking “for the second such year” and inserting “in each succeeding fiscal year”.

(b) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on October 1, 1992.

20 USC 3244 note.

SEC. 104. DROPOUT PREVENTION.

Section 6005 of the Act (20 U.S.C. 3245) is amended by adding at the end thereof the following new subsection:

“(e) **GRANTS FOR NEW GRANTEES.**—In awarding grants under this part in fiscal year 1992 and each fiscal year thereafter to applicants who did not receive a grant under this part in fiscal year 1991, the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).”.

SEC. 105. AUTHORIZED ACTIVITIES.

Section 6006(b) of the Act (20 U.S.C. 3246(b)) is amended—

- (1) in paragraph (8), by striking “and”; and
- (2) by striking paragraph (9) and inserting the following new paragraphs:
 - “(9) mentoring programs; and
 - “(10) any other activity described in subsection (a).”.

SEC. 106. REPORTS.

The Act (20 U.S.C. 3241 et seq.) is further amended by adding at the end the following new section:

20 USC 3248.

“SEC. 6008. REPORTS.

“(a) **ANNUAL REPORTS.**—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1993, which sets forth the progress of the Commissioner of Education Statistics, established under section 406(a) of the General Education Provisions Act, to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

“(1) throughout the Nation by rural and urban location as defined by the Secretary; and

“(2) in each of the individual States and the District of Columbia.

“(b) **RECOMMENDATIONS.**—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.”.

TITLE II—DEPARTMENT OF EDUCATION TECHNICAL AMENDMENTS

SEC. 201. ESTABLISHMENT OF POSITION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following new subsection:

“(d) There may be in the Department an Under Secretary of Education who shall perform such functions as the Secretary may prescribe. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.”.

President.

SEC. 202. COMPENSATION.

Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

“Under Secretary of Education”.

SEC. 203. EFFECTIVE DATE.

20 USC 3412
note.

(a) **IN GENERAL.**—This Act shall take effect on the first day of the first Department of Education pay period that begins on or after the date of enactment of this Act.

(b) **SPECIAL RULE.**—An incumbent in a position within the Department of Education on the day preceding the day that this Act takes effect who has been appointed by the President to a position within the Department of Education with the advice and consent of the Senate may serve as the Under Secretary at the pleasure of the President after the day preceding the day that this Act takes effect.

TITLE III—MISCELLANEOUS PROVISIONS

PART A—STAR SCHOOLS

SEC. 301. STATEMENT OF PURPOSE.

Section 902 of the Star Schools Program Assistance Act (hereafter in this title referred to as the “Act”) (20 U.S.C. 4081) is amended—

(1) by striking “vocational education” and inserting “literacy skills and vocational education and to serve underserved populations including the disadvantaged, illiterate, limited-English proficient, and disabled”;

(2) by striking “demonstration”; and

(3) by inserting “to” before “obtain”.

SEC. 302. PROGRAM AUTHORIZED.

Section 903 of the Act (20 U.S.C. 4082) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before “The Secretary”; and

(B) by inserting at the end thereof the following new paragraphs:

“(2) The Secretary shall award grants pursuant to paragraph (1) for a period of 2 years. Grants.

“(3) Grants awarded pursuant to paragraph (1) may be awarded for an additional 2-year period in accordance with section 907.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “\$100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992” and inserting “\$50,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal year 1993”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “(A)”;

(II) by striking “demonstration”; and

(III) by inserting “in any one fiscal year” after “\$10,000,000”; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by inserting “(A)” after “(2)”;

(ii) by inserting “to the Secretary” after “available”;

and

(iii) by inserting at the end thereof the following new subparagraph:

“(B) Not less than 25 percent of the funds available to the Secretary in any fiscal year under this title shall be used for telecommunications facilities and equipment.”; and

(4) by inserting at the end thereof the following new subsection:

“(e) COORDINATION.—The Department of Education, the National Science Foundation, the Department of Agriculture, and any other Federal agency operating a telecommunications network for educational purposes shall coordinate the activities assisted under such programs.”.

SEC. 303. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

Subsection (a) of section 904 of the Act (20 U.S.C. 4083(a)) is amended—

(1) in the matter preceding paragraph (1) by striking “demonstration”;

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “, or a State higher education agency”;

(B) in subparagraph (C), by inserting “or a State higher education agency” after “education”;

(C) in subparagraph (D)—

(i) in the matter preceding clause (i), by inserting “or academy” after “center”; and

(ii) by striking “or” at the end of clause (ii); and

(D) in subparagraph (E)—

(i) by amending clause (i) to read as follows:

“(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or”;

(ii) by striking clause (ii);

(iii) by redesignating clause (iii) as clause (ii); and

(iv) by striking the period at the end of clause (ii) (as redesignated by clause (iii)) and inserting a comma and “or”; and

(E) by inserting at the end thereof the following new subparagraph:

“(F) a public or private elementary or secondary school.”; and

(3) by adding at the end thereof the following new subsection:

“(c) SPECIAL STATEWIDE NETWORK.—

“(1) IN GENERAL.—The Secretary may fund one statewide telecommunications network under this title if such network—

“(A) provides two-way full motion interactive video and audio communications;

“(B) links together public colleges and universities and secondary schools throughout the State; and

“(C) meets any other requirements determined appropriate by the Secretary.

“(2) STATE CONTRIBUTION.—A statewide telecommunications network funded under paragraph (1) shall contribute (either directly or through private contributions) non-Federal funds equal to not less than 50 percent of the cost of such network.”.

SEC. 304. APPLICATIONS.

Section 905 of the Act (20 U.S.C. 4084) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “, or any combination thereof” after “equipment”; and

(ii) in subparagraph (G) by—

(I) striking “elementary and secondary school teachers (particularly teachers in schools receiving assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965) in” and inserting “instructors who will be”; and

(II) inserting “in using such facilities and equipment, and in integrating programs into the class curriculum” after “sought”;

(B) in paragraph (2)—

(i) by striking “describe,”;

(ii) by inserting “describe” after “instructional programming,”; and

(iii) by inserting “and provide assurances that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level” after “training”;

(C) in paragraph (3), by inserting “(in accordance with section 907)” after “languages,”;

(D) in paragraph (4)—

(i) by striking “teacher”; and

(ii) by inserting “for teachers and other school personnel” after “policies”;

(E) in paragraph (6)—

(i) by striking “the facilities” and inserting “any facilities”;

(ii) by striking “will be made available to” and inserting “for”; and

(iii) by inserting “will be made available to schools” after “schools”;

(F) in paragraph (7)—

(i) by inserting “(such as students who are disadvantaged, limited-English proficient, disabled, or illiterate)” after “students”; and

(ii) in paragraph (7), by inserting “and will use existing telecommunications equipment, where available” before the semicolon at the end thereof;

(G) by striking “and” at the end of paragraph (8);

(H) by redesignating paragraph (9) as paragraph (10); and

(I) by inserting after paragraph (8) the following new paragraph:

“(9) describe the activities or services for which assistance is sought, including activities and services such as—

“(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

“(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

“(C) linking networks together, for example, around an issue of national importance such as elections;

“(D) sharing curriculum materials between networks;

“(E) providing teacher and student support services;

“(F) incorporating community resources such as libraries and museums into instructional programs;

“(G) providing teacher training to early childhood development and Head Start teachers and staff;

“(H) providing teacher training to vocational education teachers and staff; and

“(I) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment.”;

(2) in subsection (c)—

(A) in paragraph (3)—

(i) by striking “public and private” and inserting “, in the case of elementary and secondary schools, those”;

(ii) striking “(particularly schools”;

(iii) striking “1965” and inserting “1965”;

(B) by striking “and” at the end of paragraph (6);

(C) by redesignating paragraph (7) as paragraph (9);

(D) by redesignating paragraph (6) as paragraph (7);

(E) by inserting after paragraph (5) the following new paragraph:

“(6) the eligible telecommunications partnership will—

“(A) provide a comprehensive range of courses for educators with different skill levels to teach instructional strategies for students with different skill levels;

“(B) provide training to participating educators in ways to integrate telecommunications courses into the existing school curriculum; and

“(C) include instruction for students, teachers, and parents;”;

(F) by inserting after paragraph (7) (as redesignated by subparagraph (D)) the following new paragraph:

“(8) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television station) will participate in the partnership and will donate equipment or in-kind services for telecommunications linkages; and”.

SEC. 305. CONTINUING ELIGIBILITY.

The Act (20 U.S.C. 4081 et seq.) is amended—

20 USC 4086.

(1) by redesignating section 907 as section 911; and

(2) by inserting after section 906 the following new sections:

“CONTINUING ELIGIBILITY

20 USC 4085a.

“SEC. 907. (a) IN GENERAL.—In order to be eligible to receive an additional grant under section 903(a)(3) in any fiscal year, an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 905 that such partnership will—

“(1) continue to provide services in the subject areas and geographic areas assisted with funds received under this title in previous fiscal years; and

“(2) use all such grant funds to provide expanded services by—

“(A) increasing the number of students, schools or school districts served by the courses of instruction assisted under this title in previous fiscal years;

“(B) providing new courses of instruction; or

“(C) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, lack high school diplomas or their equivalent.

“(b) SPECIAL RULES.—Grant funds received pursuant to the application of subsection (a) shall be used to supplement and not supplant services provided by the recipient under this title in previous fiscal years.

“EVALUATION

“SEC. 908. (a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 903(b), the Secretary shall reserve the greater of not more than \$500,000 or 5 percent of such appropriations to conduct an independent evaluation by grant, contract or cooperative agreement, of the Star Schools Assistance Program. 20 USC 4085b.

“(b) REPORT.—The Secretary shall prepare and submit an interim report on the evaluation described in subsection (a) not later than January 1, 1993 and shall prepare and submit a final report on such evaluation not later than June 1, 1993.

“(c) EVALUATION.—Such evaluation shall include—

“(1) a review of the effectiveness of telecommunications partnerships and programs after Federal funding ceases;

“(2) an analysis of non-Federal funding sources, including funds leveraged by Star Schools funds and the permanency of such funding;

“(3) an analysis of how Star Schools grantees spend funds appropriated under this Act;

“(4) a review of the subject matter, content effectiveness, and success of distance learning through Star Schools program funds, including an in-depth study of student learning outcomes as measured against stated course objectives of distance learning courses offered by Star Schools grantees;

“(5) a comprehensive review of in-service teacher training programs through Star Schools programming, including the number of teachers trained, time spent in training programs, and a comparison of the effectiveness of such training and conventional teacher training programs;

“(6) an analysis of Star School projects that focus on teacher certification and other requirements and the resulting effect on the delivery of instructional programming;

“(7) the effects of distance learning on curricula and staffing patterns at participating schools;

“(8) the number of students participating in the Star Schools program and an analysis of the socioeconomic characteristics of students participating in Star Schools programs, including a review of the differences and effectiveness of programming and services provided to economically and educationally disadvantaged and minority students;

“(9) an analysis of the socioeconomic and geographic characteristics of schools participating in Star Schools projects, including a review of the variety of programming provided to different schools; and

“(10) the impact of dissemination grants under section 910 on the use of technology-based programs in local educational agencies.

“FEDERAL ACTIVITIES

20 USC 4085c.

“SEC. 909. The Secretary may assist grant recipients under this title in acquiring satellite time, where appropriate, as economically as possible.

“DISSEMINATION GRANTS

Tele-
communications.
20 USC 4085d.

“SEC. 910. (a) IN GENERAL.—The Secretary shall make grants under this section to telecommunications partnerships funded by the Star Schools Program and to other eligible entities to enable such partnerships and entities to provide dissemination and technical assistance to State and local educational agencies not presently served by telecommunication partnerships.

“(b) SPECIAL RULE.—The Secretary shall make grants under this section in any fiscal year in which the amount appropriated for this title exceeds the amount appropriated for this title in fiscal year 1991 by not less than 10 percent.

“(c) RESERVATION.—In any fiscal year in which the Secretary awards grants under this section in accordance with subsection (b), the Secretary shall reserve not less than 5 percent but not more than 10 percent of the amount appropriated under this title for such fiscal year to award such grants.

“(d) APPLICATIONS.—

“(1) IN GENERAL.—Each telecommunications partnership and other eligible entity that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

“(2) CONTENTS.—Each application described in paragraph (2) shall contain assurances that the telecommunications partnership or other eligible entity shall provide technical assistance to State and local educational agencies to plan and implement technology-based systems, including—

“(A) information regarding successful distance learning resources for States, local educational agencies, and schools;

“(B) assistance in connecting users of distance learning, regional educational service centers, colleges and universities, the private sector, and other relevant entities;

“(C) assistance and advice in the design and implementation of systems to include needs assessments and technology design; and

“(D) support for the identification of possible connections, and cost-sharing arrangements for users of such systems.

“(e) DEFINITION.—For purposes of this section, the term ‘eligible entity’ means a federally funded program or an institution of higher education that has demonstrated expertise in educational applications of technology and provides comprehensive technical assistance to educators and policy makers at the local level.”

PART B—TECHNICAL AND MISCELLANEOUS PROVISIONS

SEC. 311. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) **CORRECTIONS EDUCATION.**—Subsection (c) of section 102 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312) is amended—

(1) in paragraph (1), by—

(A) striking “paragraph (2)” and inserting “paragraph (3)”;

(B) inserting “and” before “the sex equity”; and

(C) striking “and the program for criminal offenders under section 225,”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following new paragraph after paragraph

(1):

“(2) Except as provided in paragraph (3) and notwithstanding the provisions of subsection (a), each State shall reserve for the program for criminal offenders under section 225, an amount that is not less than the amount such State expended under this Act for such program for the fiscal year 1990.”.

(b) **INDIAN AND NATIVE HAWAIIAN PROGRAMS.**—Paragraph (1) of section 103(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2313(b)(1)) is amended by inserting at the end thereof the following new subparagraph:

“(D)(i) Funds received pursuant to grants and contracts described in subparagraph (A) may be used to provide stipends to students who are enrolled in vocational education programs and who have acute economic needs which cannot be met through work-study programs.

“(ii) Stipends described in clause (i) shall not exceed reasonable amounts as prescribed by the Secretary.”.

SEC. 312. THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subsection (c) of section 1221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2791(c)) is amended by adding at the end thereof the following new paragraph:

“(3) **SPECIAL RULE.**—Notwithstanding any other provision of law, for purposes of determining the amount of a grant under this subsection for which a State educational agency is eligible from funds appropriated for the program assisted under this subpart for each fiscal year beginning after October 1, 1990, the Secretary shall allow intermediate school districts to count children with disabilities in the same manner as such children were counted in determining such amount in fiscal year 1990, regardless of whether such children receive services directly from the intermediate school district.”.

Handicapped.

SEC. 313. NATIONAL LITERACY ACT AMENDMENTS.

Section 601 of the National Literacy Act of 1991 is amended to read as follows: 20 USC 1211-2.

"SEC. 601. FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAMS FOR STATE AND LOCAL PRISONERS.

"(a) ESTABLISHMENT.—The Secretary is authorized to make grants to eligible entities to assist such entities in establishing, improving, and expanding a demonstration or system-wide functional literacy program.

"(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

"(A) to the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

"(B) include—

"(i) a requirement that each person incarcerated in the system, prison, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

"(I) achieves functional literacy, or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

"(II) is granted parole;

"(III) completes his or her sentence; or

"(IV) is released pursuant to court order; and

"(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

"(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the prison, jail, or detention center.

"(2) The requirement of paragraph (1)(B)(i) may not apply to a person who—

"(A) is serving a life sentence without possibility of parole;

"(B) is terminally ill; or

"(C) is under a sentence of death.

"(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, a grantee shall submit a report to the Secretary with respect to its literacy program.

"(2) A report under paragraph (1) shall disclose—

"(A) the number of persons who were tested for eligibility during the preceding year;

"(B) the number of persons who were eligible for the literacy program during the preceding year;

"(C) the number of persons who participated in the literacy program during the preceding year;

"(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

"(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

“(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

“(G) data on all direct and indirect costs of the program; and

“(H) information on progress toward meeting the program’s goals.

“(d) COMPLIANCE GRANTS.—(1) The Secretary shall make grants to eligible entities that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

“(2) An eligible entity may receive a grant under this subsection if the entity—

“(A) submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require;

“(B) agrees to provide the Secretary—

“(i) such data as the Secretary may request concerning the cost and feasibility of operating the functional literacy programs authorized by subsection (a), including the annual reports required by subsection (c); and

“(ii) a detailed plan outlining the methods by which the provisions of subsections (a) and (b) will be met, including specific goals and timetables.

“(e) LIFE SKILLS TRAINING GRANTS.—(1) The Secretary is authorized to make grants to eligible entities to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

“(2) To receive a grant under this subsection, an eligible entity shall—

“(A) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require; and

“(B) agree to report annually to the Secretary on the participation rate, cost, and effectiveness of the program and any other aspect of the program on which the Secretary may request information.

“(3) In awarding grants under this subsection, the Secretary shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

“(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Secretary may establish a procedure for renewal of the grants under paragraph (1).

“(f) DEFINITIONS.—For the purposes of this section—

“(1) the term ‘eligible entity’ means a State correctional agency, a local correctional agency, a State correctional education agency, and a local correctional education agency;

“(2) the term ‘functional literacy’ means at least an eighth grade equivalence or a functional criterion score on a nationally recognized literacy assessment; and

“(3) the term ‘life skills’ includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationship development, and stress and anger management.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for purposes of carrying out this section \$10,000,000 for fiscal year 1992, \$15,000,000 for fiscal year 1993, \$20,000,000 for fiscal year 1994, and \$25,000,000 for fiscal year 1995.”.

SEC. 314. REAUTHORIZATION OF SCIENCE SCHOLARSHIP PROGRAMS.

(a) **NATIONAL SCIENCE SCHOLARS PROGRAM.**—Subsection (b) of section 601 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5381(b)) is amended by inserting “, \$4,500,000 for fiscal year 1992 and \$10,000,000 for fiscal year 1993” after “1991”.

(b) **NATIONAL ACADEMY OF SCIENCE, SPACE, AND TECHNOLOGY.**—Subsection (o) of section 621 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5411(o)) is amended by striking “fiscal year 1991” and inserting “each of the fiscal years 1992 and 1993”.

SEC. 315. TECHNICAL AMENDMENT.

Section 343(a)(2)(A) of the Tech-Prep Education Act (20 U.S.C. 2394a(a)(2)(A)) is amended by striking “subject to a default management plan required by the Secretary” and inserting “prohibited from receiving assistance under part B of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(3) of such Act”.

TITLE IV—IMPACT AID

SEC. 401. ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES.

Section 3(e) of the Act of September 30, 1950 (Public Law 81-874) (hereafter in this title referred to as the “Act”) (20 U.S.C. 238(e)) is amended—

(1) in the matter following subparagraph (C) of paragraph (1), by inserting “this subsection and” before “subsections (a) and (b)”; and

(2) in paragraph (2), by striking “section” and inserting “subsection”.

SEC. 402. PAYMENT AMOUNTS.

Section 5 of the Act (20 U.S.C. 240) is amended:

(1) by amending paragraph (2) of subsection (b) to read as follows:

“(2) As soon as possible after the beginning of any fiscal year, the Secretary shall, on the basis of a written request for a preliminary payment from any local educational agency that was eligible for a payment for the preceding fiscal year on the basis of an entitlement established under section 2, make such a preliminary payment of 50 percent of the amount that such agency received for such preceding fiscal year on the basis of such entitlement.”; and

(2) by amending subparagraph (D) of subsection (e)(1) to read as follows:

“(D) For any fiscal year after September 30, 1991, the Secretary is authorized to modify the per pupil amount described in subparagraph (A) of this paragraph, in any case in which, in the fiscal year for which the determination is made, a local educational agency is

described under a different clause of section 5(c)(2)(A) than such agency was in fiscal year 1987.”

SEC. 403. SPECIAL PAYMENT RULES.

(a) **PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.**—Any local educational agency that received a payment for fiscal year 1987, 1988, 1989, or 1990 under section 3 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 238), the amount of which was incorrect because of a failure by the Secretary of Education to apply any of the limitations on per pupil payments or local contribution rates specified in Public Law 99-500, Public Law 99-591, and Public Law 100-202, and which such payment resulted in or would result in an overpayment, shall be entitled to the amount of such payment. 20 USC 238 note.

(b) **FEDERAL CONTRIBUTIONS.**—No portion of any payment received by a local educational agency for fiscal year 1988, 1989, or 1990 under section 2 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 237) may be recovered on the ground that such payment was determined incorrectly by employing a formula using such agency's base revenue limit per average daily attendance. 20 USC 237 note.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2313:

HOUSE REPORTS: No. 102-77 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 137 (1991):

June 3, considered and passed House.
July 30, considered and passed Senate, amended.
Aug. 1, House concurred in Senate amendment.

Public Law 102-104
102d Congress

An Act

Aug. 17, 1991
[H.R. 2427]

Making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes.

Energy and
Water
Development
Appropriations
Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$194,427,000, to remain available until expended: *Provided*, That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following items under General Investigations in fiscal year 1992 in the amounts specified:

Red River Waterway, Index, Arkansas, to Denison Dam, Texas, \$500,000;
Casino Beach, Illinois, \$375,000;
Chicago Shoreline, Illinois, \$150,000;
Illinois Waterway Navigation Study, Illinois, \$2,185,000;
McCook and Thornton Reservoirs, Illinois, \$2,000,000;
Miami River Sediments, Florida, \$200,000;
Lake George, Hobart, Indiana, \$330,000;
Little Calumet River Basin (Cady Marsh Ditch), Indiana, \$170,000;
St. Louis Harbor, Missouri and Illinois, \$900,000;
Fort Fisher and Vicinity, North Carolina, \$250,000;
Passaic River Mainstem, New Jersey, \$7,150,000, of which \$400,000 shall be used to initiate the General Design Memorandum.

dum for the Streambank Restoration Project, West Bank of the Passaic River, as authorized by section 101(a)(18)(B) of Public Law 101-640;

Buffalo Small Boat Harbor, New York, \$70,000;

Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, \$3,200,000; and

La Conner, Washington, \$60,000:

Provided further, That using \$425,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete a reconnaissance report and initiate a feasibility phase study of the bank stabilization problems at Norco Bluffs, California, as authorized by section 116(b) of the Water Resources Development Act of 1990: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete preconstruction engineering and design of the Miami River, Florida, sediments project, to include the full dredging of all polluted bottom sediments from the Seybold Canal and the Miami River between the mouth of the river and the salinity control structure at 36th Street, and the disposal of the polluted sediments in an environmentally sound manner, in compliance with Public Law 99-662, using funds appropriated for that purpose in this Act and the Energy and Water Development Appropriations Act, 1991, Public Law 101-514: *Provided further*, That using \$200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the development of a comprehensive waterfront plan for the White River in central Indianapolis, Indiana: *Provided further*, That with \$425,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete preconstruction engineering and design for the Olcott Harbor, New York, project, including all activities necessary to ready the project for construction as authorized by Public Law 99-662: *Provided further*, That with \$700,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to create, in cooperation with the National Park Service and other agencies as appropriate, a comprehensive river corridor greenway plan for the Lackawanna River Basin, Pennsylvania: *Provided further*, That with \$120,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake a study, in cooperation with the Port of Walla Walla, Washington, of the disposition of the current Walla Walla District headquarters: *Provided further*, That using \$1,100,000 of the funds appropriated in the Energy and Water Development Appropriations Act, 1991, Public Law 101-514, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete the South Atlantic Cargo Traffic study authorized by section 116(a) of the Water Resources Development Act of 1990 at full Federal expense in accordance with existing law: *Provided further*, That the Secretary of the Army is authorized, in partnership with the Department of Transportation, and in coordination with other Federal agencies, including the Department of Energy, to conduct research and development associated with an advanced high speed magnetic levitation transportation system during fiscal year 1992: *Provided further*, That with \$300,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to complete a regional environmental reconnaissance study to identify

and quantify point and nonpoint sources of pollution of Old Hickory, Percy Priest and Cheatham Lakes in Tennessee, and to complete a reconnaissance study of the nondam alternatives for the Mill Creek flood control project in Nashville, Tennessee: *Provided further*, That the Secretary of the Army is directed to use \$450,000 of available funds to initiate a reconnaissance level study of proposed dams and related riverfront development to be located along the North Canadian River in Oklahoma: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$500,000 appropriated herein to carry out the purposes of section 401 of Public Law 101-596.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,160,461,000, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to remain available until expended: *Provided*, That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the following projects in fiscal year 1992 in the amounts specified:

Red River Emergency Bank Protection, Arkansas and Louisiana, \$7,300,000;

O'Hare Reservoir, Illinois, \$4,000,000;

Kissimmee River, Florida, \$5,000,000;

Red River Below Denison Dam, Louisiana, Arkansas, and Texas, \$2,300,000;

New York Harbor Collection and Removal of Drift, New York and New Jersey, \$2,500,000; and

Red River Basin Chloride Control, Texas and Oklahoma, \$3,000,000:

Provided further, That with \$20,500,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the work for the levees/floodwalls and to undertake other structural and nonstructural work associated with the Barbourville, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367 and to continue the work for the river diversion tunnels and to undertake other structural and nonstructural work associated with the Harlan, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further*, That with \$9,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue floodwall construction at the Matewan, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further*,

That with \$17,000,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Lower Mingo County, West Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project authorized by section 202 of Public Law 96-367: *Provided further*, That with \$2,437,000 of the funds appropriated herein to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to initiate and complete specific project reports for McDowell County, West Virginia, Hatfield Bottom, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Fork Tributaries, West Virginia, Upper Tug Fork, West Virginia, Pike County, Kentucky, Middlesboro, Kentucky, Clover Fork, Kentucky, and Upper Cumberland River Basin, Kentucky: *Provided further*, That no fully allocated funding policy shall apply to construction of the Matewan, West Virginia, Lower Mingo County, West Virginia; specific project reports for McDowell County, West Virginia, Upper Mingo County, West Virginia, Wayne County, West Virginia, Tug Fork Tributaries, West Virginia, Hatfield Bottom, West Virginia, Upper Tug Fork, West Virginia, Pike County, Kentucky, Middlesboro, Kentucky, Clover Fork, Kentucky, and Upper Cumberland River Basin, Kentucky; and construction of Barbourville, Kentucky, and Harlan, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project: *Provided further*, That using \$43,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue to prosecute the planning, engineering, design and construction of projects under the sections 14, 103, 107, 111, 205 and 208 Continuing Authorities Programs: *Provided further*, That using \$600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Salyersville cut-through as authorized by Public Law 99-662, section 401(e)(1), in accordance with the Special Project Report for Salyersville, Kentucky, concurred in by the Ohio River Division Engineer on or about July 26, 1989: *Provided further*, That with \$750,000 of the funds appropriated herein, or funds hereafter provided in subsequent annual appropriations Acts, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts until construction is complete in accordance with the terms and conditions of Public Law 100-202 for the Des Moines Recreational River and Greenbelt project in Iowa: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall expand \$300,000 of the funds appropriated herein in fiscal year 1992 on plans and specifications, environmental documentation and hydraulic modeling to advance to the maximum extent practicable the project to restore the riverbed gradient at Mile 206 of the Sacramento River in California: *Provided further*, That with funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the project for shoreline protection at Emeryville Point Park Marina, California, under the authority of section 103 of the River and Harbor Act of 1962, as amended, at a total estimated first cost of \$1,396,000 with an estimated first Federal cost of \$907,000 and an estimated first non-Federal cost of \$489,000, in accordance with the plan recommended by the Division Commander in the report entitled Detailed Project Report, section 103, Shoreline Protection

Project, Emeryville Point Park Marina dated November 1988. The cost sharing for this project shall be in accordance with the provisions of title I, section 103, of Public Law 99-662 for hurricane and storm damage reduction: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to construct the San Timoteo feature of the Santa Ana River Mainstem flood control project by scheduling design and construction. The Secretary is further directed to initiate and complete design and to fund and award all construction contracts necessary for completion of the San Timoteo feature. Furthermore, the Corps of Engineers is directed to use \$2,000,000 of the funds appropriated herein to initiate the design: *Provided further*, That using \$1,252,000 previously appropriated for the Hansen Dam, California, project, the Secretary of the Army, acting through the Chief of Engineers, is directed to plan, design and construct a swim lake and associated recreational facilities at Hansen Dam as described in the February 1991 Hansen Dam Master Plan prepared by the United States Army Corps of Engineers Los Angeles District: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to pursue the acquisition of Mollicy Farms for environmental restoration, flood control and navigation and the completion of the Ouachita-Black Rivers navigation project in Louisiana and Arkansas in accordance with law and the revised General Design Memorandum for the project, including required cutoffs and bendway widenings in Louisiana and Arkansas. The Federal Government is authorized to advance rights-of-way acquisition funds for the cutoffs and bendway widenings at Federal expense, and the States of Louisiana and Arkansas shall have 10 years after construction begins to repay its portion of the costs: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall include as project costs in accordance with the Post Authorization Change Report, dated April 1989, as revised in January 1990, the costs for aesthetics for the Brush Creek, Kansas City, Missouri, project, which shall be shared with non-Federal interests under the provisions of section 103(a) of Public Law 99-662: *Provided further*, That with funds heretofore, herein or hereafter appropriated, the Secretary of the Army, acting through the Chief of Engineers, is directed to award continuing contracts until construction is complete in accordance with the terms and conditions of Public Law 101-101 for the O'Hare Reservoir, Illinois, and Wallisville Lake, Texas, projects: *Provided further*, That with funds appropriated herein and hereafter for the Lake Pontchartrain and Vicinity, Louisiana Hurricane Protection project, the Secretary of the Army is authorized and directed to provide parallel hurricane protection along the entire lengths of the Orleans Avenue and London Avenue Outfall Canals by raising levees and improving flood protection works along and parallel to the entire lengths of the outfall canals and other pertinent work necessary to complete an entire parallel protection system, to be cost shared as an authorized project feature, the Federal cost participation in which shall be 70 percent of the total cost of the entire parallel protection system, and the local cost participation in which shall be 30 percent of the total cost of such entire parallel protection system: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to construct project modifications for improvement of the environment, as part of the Anacostia River Flood Control and Navigation project, District of Columbia and Maryland, within

Prince Georges County, Maryland, using \$700,000 of the funds appropriated herein, under the authority of section 1135 of Public Law 99-662, as amended: *Provided further*, That \$100,000 of the funds appropriated herein shall be made available to the Town of Krotz Springs, Louisiana, for restoration and improvement of Bayou Latanier: *Provided further*, That with \$2,500,000 appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with construction of the Fort Yates Bridge, North Dakota and South Dakota, project using continuing construction contracts: *Provided further*, That using \$600,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to use continuing contracts to construct hurricane and storm protection measures for Folly Beach, South Carolina, in accordance with the Charleston District Engineer's Post Authorization Change Report dated May 1991: *Provided further*, That the Secretary of the Army is authorized and directed to provide \$100,000 from funds herein appropriated to reimburse the Town of Grand Isle, Louisiana, for interim emergency measures constructed by the Town: *Provided further*, That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to study, design, and construct streambank protection measures along the bank of the Tennessee River adjacent to the Sequoyah Hills Park in the City of Knoxville, Tennessee, under the authority of section 14 of Public Law 79-526: *Provided further*, That the April 1977 contract for Recreational Development at Stonewall Jackson Lake, West Virginia, is amended to include such elements as proposed by the State on March 28, 1990, except a golf course; and, in addition, \$123,681,000, to remain available until expended, is hereby appropriated for construction of the Red River Waterway, Mississippi River to Shreveport, Louisiana, project, and the Secretary of the Army is directed to complete the actions necessary to award continuing contracts, which are not to be considered fully funded, and to award such contracts for the second phase construction for Locks and Dams 4 and 5 during the first quarter of fiscal year 1992; to continue construction of the McDade, Moss, Elm Grove, and Cecile Revetments in Pool 5 which were previously directed to be initiated in fiscal year 1991; to award continuing contracts in fiscal year 1992 for construction of the following features of the Red River Waterway Pool 4 and 5 which are not to be considered fully funded: Caroll Capout, Cupples Capout, Sunny Point Revetment and Dikes, Curtis Revetment, and Eagle Bend Revetment; and to continue land acquisition in the vicinity of Stumpy Lake/Swan Lake/Loggy Bayou Wildlife Management area to insure acquisition of manageable units and to develop such lands to maximize benefits for mitigation of fish and wildlife losses; and to initiate planning and acquisition of mitigation lands in the Bayou Bodcau area for the mitigation of fish and wildlife losses all as authorized by laws: *Provided further*, That with \$5,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake emergency construction of aspects of the Bethel, Alaska Bank Stabilization Project as authorized by Public Law 99-662 including but not limited to, toe protection at the petroleum dock and tank farm, steel whaler installation on pipe piles, toe protection from the West end of First Avenue to the city dock, and toe protection to Mission Road bulkhead and in other areas vulnerable to collapse: *Provided further*, That no fully allocated funding policy shall apply to construc-

tion of the Bethel, Alaska Bank Stabilization Project and to the greatest extent possible the work described herein should be compatible with the authorized project.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$353,437,000, to remain available until expended: *Provided*, That not less than \$250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further*, That the funds provided herein for operation and maintenance of Yazoo Basin Lakes shall be available for the maintenance of road and trail surfaces, alignments, widths, and drainage features: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$420,000 of the funds appropriated herein to continue preconstruction engineering and design studies on the Eastern Arkansas Region Comprehensive Study, Arkansas.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, \$1,535,229,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which \$15,000,000 shall be for construction, operation, and maintenance of outdoor recreation facilities, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601): *Provided*, That not to exceed \$8,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That \$1,000,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the development of recreation facilities at Sepulveda Dam, California: *Provided further*, That using \$400,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to plan and design a fifteen-acre swim lake and related recreational facilities at Hansen Dam, California: *Provided further*, That using \$1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the one-time repair and re-

habilitation of the Flint, Michigan, project in order to restore the project to original project dimensions: *Provided further*, That \$40,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, to continue the project for removal of silt and aquatic growth at Sauk Lake, Minnesota: *Provided further*, That \$150,000 of the funds appropriated herein shall be used by the Secretary of the Army, acting through the Chief of Engineers, for the development of Gateway Park at the Lower Granite Lock and Dam project: *Provided further*, That with \$2,000,000 of the funds herein appropriated to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to use continuing contracts, which are not to be considered fully funded, for construction of the riverfront park at Charleston, West Virginia, in accordance with the cost sharing principles of Public Law 99-662: *Provided further*, That with \$8,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed on a one-time basis, at full Federal expense, and without requirement of local sponsorship, to maintain navigation access to and berthing areas at all currently operating public and private commercial dock facilities associated with the Federal navigation project on the Columbia and Snake Rivers, from Bonneville Dam to Lewiston, Idaho, at a depth commensurate with the Federal navigation project, and the Federal Government is exempted from any liability due to damages to public and private facilities including docks adjacent to the access channels and berthing areas resulting from this maintenance: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to provide water releases from Broken Bow Lake for the Mountain Fork trout fishery under terms and conditions acceptable to the Secretary of the Army for a time period not to exceed two years from the date of enactment of this Act: *Provided further*, That with \$4,825,000 of the funds appropriated herein, to remain available until expended, the Secretary of the Army, acting through the Chief of Engineers, is directed to modify the fish lift at the Cooper River, Charleston Harbor, South Carolina (Rediversion Project), authorized by the River and Harbor Act of 1968, Public Law 90-483, and to monitor operation of the fish lift for two years following such modifications: *Provided further*, That using \$900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to rehabilitate recreation facilities at Wilson Lake, Kansas: *Provided further*, That using \$3,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to construct and maintain bank stabilization measures along the north bank of the Mississippi River Gulf Outlet from mile 49.9 through mile 56.1: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$1,500,000 of the funds appropriated herein to undertake measures needed to alleviate bank erosion and related problems associated with reservoir releases along the Missouri River below Fort Peck Dam as authorized by section 33 of the Water Resources Development Act of 1988: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to allocate resources and take other steps necessary to complete an environmental impact statement and related documents by June of 1992 on a plan to reoperate Folsom Dam to provide greater flood control, using funds appropriated for that purpose in

fiscal year 1991. This plan shall require a cost sharing agreement between local sponsors and the Secretary of the Interior based on the requirements of section 103 of the Water Resources Development Act of 1986, with the costs for foregone water and power sales to be computed on the basis of actual reductions in supply attributable to greater operations for flood control in that year.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$86,000,000, to remain available until expended.

None of the funds in this Act shall be used to identify or delineate any land as a "water of the United States" under the Federal Manual for Identifying and Delineating Jurisdictional Wetlands that was adopted in January 1989 (1989 Manual) or any subsequent manual not adopted in accordance with the requirements for notice and public comment of the rule-making process of the Administrative Procedure Act.

In addition, regarding Corps of Engineers ongoing enforcement actions and permit application involving lands which the Corps or EPA has delineated as waters of the United States under the 1989 Manual, and which have not yet been completed on the date of enactment of this Act, the landowner or permit applicant shall have the option to elect a new delineation under the Corps 1987 Wetland Delineation Manual, or completion of the permit process or enforcement action based on the 1989 Manual delineation, unless the Corps of Engineers determines, after investigation and consultation with other appropriate parties, including the landowner or permit applicant, that the delineation would be substantially the same under either the 1987 or the 1989 Manual.

None of the funds in this Act shall be used to finalize or implement the proposed regulations to amend the fee structure for the Corps of Engineers regulatory program which were published in the Federal Register, Vol. 55, No. 197, Thursday, October 11, 1990.

REVOLVING FUND

None of the funds from the revolving fund established by the Act of July 27, 1953, chapter 245 (33 U.S.C. 576), may be used to reimburse other Department of Defense appropriations used to acquire Standard Army Automated Contracting System equipment for Corps of Engineers activities.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, \$15,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Coastal Engineering Research Board, the Engineer

Automation Support Activity, the Humphreys Engineer Center Support Activity and the Water Resources Support Center, \$142,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, United States Code, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed \$5,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 150 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986, the project for navigation, Coosa River, Gadsden, Alabama, to Rome, Georgia, authorized by the River and Harbor Act of 1945, shall remain authorized to be carried out by the Secretary. The project described above shall not be authorized for construction after the last day of the 5-year period that begins on the date of enactment of this Act unless, during this period, funds have been obligated for construction (including planning and design) of the project.

SEC. 102. Public Law 99-88, 99 Stat. 293, 316, as modified by Public Law 99-349, 100 Stat. 710, 724, is amended by striking the last two sentences in the paragraph that authorizes acquisition of new buildings and appurtenant facilities for the U.S. Army Engineer District, Walla Walla, Washington.

SEC. 103. The non-Federal share of the costs of preconstruction engineering and design of any water resources project constructed by the Secretary shall not be required to be paid prior to commencement of physical construction of the project.

SEC. 104. Title III of Public Law 98-396 (98 Stat. 1369) is amended by inserting after section 303a the following new section:

"SEC. 303b. (1) The Secretary of the Army is authorized to convey to the Port of Camas-Washougal two parcels of land containing a total of approximately 45 acres and being a portion of an 82 acre tract of land acquired under the provisions of section 303a above and which is under the jurisdiction of the Department of the Army.

"(2) The conveyance authorized above shall be made in consideration of the fair market value of the land conveyed and shall be for any lawful purpose, including, without limitation, industrial, recreational and natural area development and the grantee may sell or otherwise dispose of such property without limitation.

"(3) The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Army and the cost of such survey

shall be borne by the Port of Camas-Washougal. The Secretary shall bear the costs of environmental review and appraisal.

"(4) The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

"(5) The Secretary is also authorized to transfer, without monetary consideration, approximately 37 acres of predominantly wetlands comprising the remainder of the above mentioned 82 acre tract to the Department of the Interior, United States Fish and Wildlife Service, for inclusion in the Steigerwald Lake National Wildlife Refuge."

SEC. 105. The project for flood control, Guadalupe River, California, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662), and the Energy and Water Development Appropriations Act of 1990 (Public Law 101-101), is modified to direct the Secretary of the Army to construct the project in accordance with the General Design Memorandum, dated January 1991 of the Sacramento District Engineer, and in accordance with the percentages specified in section 103 of the Water Resources Development Act of 1986, at a total cost of \$134,300,000, with a first Federal cost of \$67,300,000 and a first non-Federal cost of \$67,000,000, further, if, after enactment of this Act and prior to award of the first construction contract by the Corps of Engineers, non-Federal interests initiate construction of the plan recommended herein, the Secretary shall credit such work toward the non-Federal share of the cost of the project.

SEC. 106. The present value of the capital costs to be prepaid by the city of Aberdeen, Washington, under the Wynoochee Lake project contract shall be \$4,952,158.

SEC. 107. The experimental water delivery program established under section 1302 of Public Law 98-181 is authorized to continue until the modifications to the Central and Southern Florida project authorized under section 104 of Public Law 101-229 are completed and implemented.

SEC. 108. The project for shoreline protection for Folly Beach, South Carolina, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4136), is modified to authorize the Secretary to construct hurricane and storm protection measures based on the Charleston District Engineer's Post Authorization Change Report dated May 1991, at an estimated total initial cost of \$15,283,000, with an estimated Federal cost of \$12,990,000 and an estimated non-Federal cost of \$2,293,000, and an annual cost of \$647,000 for periodic beach nourishment over the life of the project, with an estimated annual Federal cost of \$550,000 and an estimated non-Federal annual cost of \$97,000.

Wisconsin.

SEC. 109. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain in caretaker status the navigational portion of the Fox River System in Wisconsin for a period of time extending one year from the date of enactment of this legislation. During this one-year period, the Corps of Engineers shall engage in good faith negotiations with the State of Wisconsin for the orderly transfer of ownership and operational duties of the Fox River System to the State of Wisconsin or other appropriate entity. No later than one year from the date of enactment of this legislation, the Corps of Engineers shall present to Congress the terms of a negotiated settlement reached between the Corps of Engineers and

the State of Wisconsin. Such settlement shall include provisions for both the logistics and timing of the transfer, as well as a negotiated recommendation of monetary compensation to the State for repair and rehabilitation of damage and deterioration associated with all portions of the Fox River System which are being transferred to the State.

SEC. 110. None of the funds appropriated in this Act or any prior Act shall be used to close any Corps of Engineers Division or District headquarters office.

SEC. 111. None of the funds in this Act shall be used to implement the final rule for the Army Corps of Engineers shoreline management regulation fee schedule which was published in the Federal Register, Vol. 56, No. 125, Friday, June 28, 1991.

TITLE II

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, \$13,554,000: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, \$564,209,000, of which \$92,093,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and \$117,266,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from

that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That the funds contained in this Act for the Garrison Diversion Unit, North Dakota, shall be expended only in accordance with the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294): *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act: *Provided further*, That none of the funds appropriated in this Act shall be used to study or construct the Cliff Dam feature of the Central Arizona Project: *Provided further*, That Plan 6 features of the Central Arizona Project other than Cliff Dam, including (1) water rights and associated lands within the State of Arizona acquired by the Secretary of the Interior through purchase, lease, or exchange, for municipal and industrial purposes, not to exceed 30,000 acre feet; and, (2) such increments of flood control that may be found to be feasible by the Secretary of the Interior at Horseshoe and Bartlett Dams, in consultation and cooperation with the Secretary of the Army and using Corps of Engineers evaluation criteria, developed in conjunction with dam safety modifications and consistent with applicable environmental law, are hereby deemed to constitute a suitable alternative to Orme Dam within the meaning of the Colorado River Basin Project Act (82 Stat. 885; 43 U.S.C. 1501 et seq.): *Provided further*, That of the funds appropriated herein, \$900,000 shall be available to the Secretary of the Interior to complete the final design of the Shasta Dam, California, water release facilities for the purpose of selectively withdrawing water from Shasta Lake to control the temperature, turbidity, and dissolved oxygen content of water released from Shasta Dam: *Provided further*, That with \$7,000,000 appropriated herein, to remain available until expended, the Secretary of the Interior is directed to award continuing contracts which are not to be considered fully funded for the Sixth Water Aqueduct, Bonneville Unit, Central Utah Project: *Provided further*, That funds expended by the Central Utah Water Conservancy District in anticipation of passage of the Central Utah Project Completion Act, shall be credited toward the District's cost-sharing obligations required by the Completion Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, \$258,685,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), may be derived from that fund: *Provided further*, That of the total appropriated, such amounts as may be required for replacement work on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund shall be readvanced to the Colorado River Dam Fund pursuant to section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), and such readvances since October 1, 1984, and in the future shall bear interest at the rate determined pursuant to section 104(a)(5) of Public Law 98-381: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project, the costs of which shall be nonreimbursable.

43 USC 618d
note.

LOAN PROGRAM

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans and/or grants authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422l), as follows: cost of direct loans and/or grants \$2,000,000 to remain available until expended: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,240,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, \$890,000: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, \$53,745,000, of which \$800,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

43 USC 502
note.

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, \$1,000,000, to be derived from the reclamation fund.

WORKING CAPITAL FUND

For capital equipment and facilities, \$5,900,000, to remain available until expended, as authorized by the Act of November 1, 1985 (43 U.S.C. 1472).

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 16 passenger motor vehicles for replacement only; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; services as authorized by 5 U.S.C. 3109, in total not to exceed \$500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation investigations under the head "General Investigations", and amounts provided for science and technology under the head "Construction Program".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of 31 U.S.C. 1341.

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

43 USC 377a.

None of the funds made available by this or any other Act shall be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act are awarded in accordance with title IX of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 541 et seq.).

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities or other facilities or equipment damaged, rendered inoperable, or destroyed by fire, flood, storm, drought, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 1535 and 1536): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in

private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. The Bureau of Reclamation may invite non-Federal entities involved in cost sharing arrangements for the development of water projects to participate in contract negotiation and source selection proceedings without invoking provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix (1988)): *Provided*, That such non-Federal participants shall be subject to the provisions of the Federal Procurement Integrity Act (41 U.S.C. 423 (1988)) and to the conflict of interest provisions appearing at 18 U.S.C. 201 et seq. (1988).

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 35, of which 23 are for replacement only), \$2,961,903,000, to remain available until expended: *Provided*, That the \$7,500,000 provided in the Energy and Water Development Appropriations Act, Fiscal Year 1991 (Public Law 101-514) available only for the modification and operation of the Power Burst Facility at the Idaho National Engineering Laboratory, shall be available for the Boron Neutron Capture Therapy Research Program, of which \$84,800,000 shall be available only for the Institute for Micromanufacturing, Louisiana Tech University; the Ambulatory Research and Education Building, Oregon Health Sciences University; Cancer/Oncology Center, Medical University of South Carolina; Biomedical Research Institute, LSU Medical Center, Shreveport, Louisiana; Technology Complex at Pittsburg State University, Pittsburg, Kansas; Energy, Mineral and Materials Science Research Building Expansion at the University of Alabama; Research Institute at Loma Linda University Medical Center; Cancer Research Center at Indiana University School of Medicine at Indianapolis; Old Colony Center for Technological Applications at Bridgewater State College in Bridgewater, Massachusetts; and the Center for Molecular Electronics at the University of Missouri-St. Louis.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of

any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity to provide enrichment services; purchase of passenger motor vehicles (not to exceed 28, of which 25 are for replacement only), \$1,313,600,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total \$1,547,000,000, in fiscal year 1992 shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302(b) of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1992 so as to result in a final fiscal year 1992 appropriation estimated at not more than \$0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 7 for replacement only) \$1,472,489,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$275,071,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in the account, the Secretary shall exercise his authority pursuant to section 302(e)(5) of said Act to issue obligations to the Secretary of the Treasury: *Provided*, That of the amount herein appropriated, within available funds, not to exceed \$5,000,000 may be provided to the State of Nevada, for the conduct of its oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That of the amount herein appropriated, not more than \$4,000,000 may be provided to affected local governments, as defined in the Act, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds herein provided among the affected units of local government shall be determined by the Department of Energy (DOE) and made available to the State and affected units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, each entity shall provide certification to the DOE, that all funds expended from such direct payment moneys have been expended for activities as defined in Public Law 97-425, as amended. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Con-

gress or a State legislature or for any lobbying activity as provided in 18 U.S.C. 1913: *Provided further*, That none of the funds herein appropriated may be used for litigation expenses: *Provided further*, That of the amount appropriated herein, up to \$3,500,000 shall be available for infrastructure studies and other research and development work to be carried out by the University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno. Funding to the universities will be administered by the DOE through a cooperative agreement.

In paying the amounts determined to be appropriate as a result of the decision in Consolidated Edison Company of New York v. Department of Energy 870 F.2d 694 (D.C. Cir. 1989), the Department of Energy shall pay interest at a rate to be determined by the Secretary of the Treasury and calculated from the date the amounts were deposited into the Nuclear Waste Fund. Such payments may be made by credits to future utility payments into the fund.

ISOTOPE PRODUCTION AND DISTRIBUTION PROGRAM FUND

42 USC 2061
note.

Revenues received hereafter from the disposition of isotopes and related services shall be credited to this account, to be available for carrying out the purposes of the isotope production and distribution program without further appropriation: *Provided*, That such revenues and all funds provided under this head in Public Law 101-101 shall remain available until expended: *Provided further*, That if at any time the amounts available to the fund are insufficient to enable the Department of Energy to discharge its responsibilities with respect to isotope production and distribution, the Secretary may borrow from amounts available in the Treasury, such sums as are necessary up to a maximum of \$8,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 96 for replacement only, and purchase of one rotary-wing aircraft, for replacement only), \$4,623,428,000, to remain available until expended.

NEW PRODUCTION REACTOR

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense new production reactor activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$515,500,000, to remain available until expended, of which \$100,000,000 shall be for design of new production reactor

capacity, to become available for obligation sixty days after issuance of the Record of Decision on the Environmental Impact Statement on New Production Reactor Capacity.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only, and purchase of one rotary-wing aircraft, for replacement only), \$3,680,672,000, to remain available until expended, of which \$17,100,000 shall be available only for the Environmental and Molecular Sciences Laboratory, and of which \$20,000,000 shall be made available to the State of New Mexico to assist the State and its affected units of local government in mitigating the environmental, social, economic, and other impacts resulting from the Waste Isolation Pilot Plant: *Provided*, That a portion of the \$20,000,000 received by the State of New Mexico may be provided directly to the affected units of local government in the vicinity of, and along the transportation routes to, the Waste Isolation Pilot Plant based on a State assessment of needs, conducted in consultation with its affected units of local government, and the demonstration of impacts: *Provided further*, That the \$20,000,000 shall be provided upon initiation of the performance assessment phase at the Waste Isolation Pilot Plant site.

MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense materials production, and other defense program activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 70 for replacement only), \$3,148,400,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$405,976,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided*

further, That moneys received by the Department for miscellaneous revenues estimated to total \$284,352,000 in fiscal year 1992 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1992 so as to result in a final fiscal year 1992 appropriation estimated at not more than \$121,624,000: *Provided further*, That of the sum herein appropriated, \$1,300,000 shall be used for the Reduced Enrichment in Research and Test Reactors Program under the office of International Affairs and Energy Emergencies.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$31,431,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$3,218,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the purchase, maintenance and operation of two rotary-wing aircraft for replacement only; and for official reception and representation expenses in an amount not to exceed \$3,000.

During fiscal year 1992, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$23,869,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$28,464,000, to

remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$8,820,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,
WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$306,478,000, to remain available until expended, of which \$278,173,000 shall be derived from the Department of the Interior Reclamation fund; in addition, the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration \$5,465,000, to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed \$3,000); \$141,071,000, to remain available until expended: *Provided*, That hereafter and notwithstanding any other provision of law, not to exceed \$141,071,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1992, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1992, so as to result in a final fiscal year 1992 appropriation estimated at not more than \$0.

42 USC 7171
note.

The Federal Energy Regulatory Commission is authorized pursuant to section 4 of the Natural Gas Act to allow recovery, in advance, of expenses by natural-gas companies for research, development and demonstration activities by the Gas Research Institute for projects on the use of natural gas in motor vehicles and on the use of natural gas to control emissions from the combustion of other fuels: *Provided*, That the Commission finds that the benefits, including environmental benefits, to both existing and future ratepayers resulting from such activities exceed all direct costs to both existing and future ratepayers.

15 USC 717c
note.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to

the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

(TRANSFER OF FUNDS)

SEC. 302. Not to exceed 5 per centum of any appropriation made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

MINORITY PARTICIPATION IN THE SUPERCONDUCTING SUPER COLLIDER

SEC. 304. (a) **FEDERAL FUNDING.**—The Secretary of Energy shall, to the fullest extent possible, ensure that at least 10 per centum of Federal funding for the development, construction, and operation of the Superconducting Super Collider be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))), including historically black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans. For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

(b) **OTHER PARTICIPATION.**—The Secretary of Energy shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the Superconducting Super Collider by socially and economically disadvantaged individuals (within the meaning of section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6))) and economically disadvantaged women.

Colleges and
universities.

Disadvantaged.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, \$190,000,000.

40 USC app.
401 note.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$11,500,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$300,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$475,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER
BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), \$510,000, of which \$210,000 shall be available for the local sponsor's share of the cost of the United States Army Corps of Engineers Anacostia River and Tributaries study in Maryland and the District of Columbia or other activities associated with the restoration of the Anacostia River.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed \$20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, \$508,810,000, to remain available until expended, of which \$19,962,000 shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$488,848,000 in fiscal year 1992 shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1992 from licensing fees, inspection services, and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1992 appropriation estimated at not more than \$19,962,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, \$3,690,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the perform-

ance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding the provisions of section 3302 of title 31, United States Code, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1992 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1992 appropriation estimated at not more than \$0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,294,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), \$284,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), \$310,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, and for entering into contracts and making payments under section 11 of the National Trails System Act, as amended, \$135,000,000, to remain available until expended: *Provided*, That this appropriation and other moneys available to the Tennessee Valley Authority may be used hereafter for payment of the allowances authorized by section 5948 of title 5, United States Code.

16 USC 831b
note.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. None of the programs, projects or activities as defined in the report accompanying this Act, may be eliminated or disproportionately reduced due to the application of "Savings and Slippage", "general reduction", or the provision of Public Law 99-177 or Public Law 100-119 unless such report expressly provides otherwise.

SEC. 504. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other noncost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

SEC. 507. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1992".

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2427:

HOUSE REPORTS: Nos. 102-75 (Comm. on Appropriations) and 102-177 (Comm. of Conference).

SENATE REPORTS: No. 102-80 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 29, considered and passed House.

July 9, 10, considered and passed Senate, amended.

July 31, Aug. 1, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.

Aug. 2, Senate agreed to conference report; concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Aug. 17, Presidential statement.

Public Law 102-105
102d Congress

An Act

To waive the period of Congressional review for certain District of Columbia acts.

Aug. 17, 1991

[H.R. 2968]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS.

(a) **WAIVER.**—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, each of the District of Columbia acts described in subsection (b) shall take effect on the date of the enactment of this Act.

(b) **ACTS DESCRIBED.**—The District of Columbia acts referred to in subsection (a) are as follows:

(1) The National Children's Center, Inc., Revenue Bond Act of 1991 (D.C. Act 9-40).

(2) The Abraham and Laura Lisner Home for Aged Women, Inc., Revenue Bond Act of 1991 (D.C. Act 9-41).

(3) The American College of Obstetricians and Gynecologists Revenue Bond Act of 1991 (D.C. Act 9-42).

(4) The Omnibus Budget Support Temporary Act of 1991 (D.C. Act 9-43).

(5) The Sursum Corda Cooperative Association, Inc., Temporary Act of 1991 (D.C. Act 9-44).

(6) The Real Property Clarification Temporary Amendment Act of 1991 (D.C. Act 9-45).

(7) The Closing of Public Alleys in Square 569, S.O. 89-22, Act of 1991 (D.C. Act 9-46).

(8) The District of Columbia Good Time Credits Amendment Act of 1991 (D.C. Act 9-51).

(9) The District of Columbia Income and Franchise Tax Conformity Amendment Act of 1991 (D.C. Act 9-52).

(10) The Public Assistance Act of 1982 Budget Conformity Amendment Act of 1991 (D.C. Act 9-54).

(11) The Day Care Policy Budget Conformity Amendment Act of 1991 (D.C. Act 9-55).

(12) The District of Columbia Public School Nurse Assignment Budget Conformity Amendment Act of 1991 (D.C. Act 9-56).

(13) The District of Columbia Motor Vehicle Services Fees Amendment Act of 1991 (D.C. Act 9-57).

(14) The Cigarette Tax Amendment Act of 1991 (D.C. Act 9-58).

(15) The District of Columbia Election Code of 1955 Amendment Act of 1991 (D.C. Act 9-59).

(16) The District of Columbia Housing Bonus Repealer Act of 1991 (D.C. Act 9-60).

(17) The District of Columbia Gross Receipts and Toll Telecommunications Service Tax Temporary Amendment Act of 1991 (D.C. Act 9-61).

(18) The District of Columbia Public Hall Regulation Temporary Amendment Act of 1991 (D.C. Act 9-50).

(19) The Redistricting Procedure Amendment Act of 1991 (D.C. Act 9-53).

(20) The Uniform Disposition of Unclaimed Property Act of 1980 Amendment Act of 1991 (D.C. Act 9-62).

(21) The Fire Company Staffing Act of 1991 (D.C. Act 9-63).

(22) The District of Columbia Paternity Establishment Act of 1991 (D.C. Act 9-76).

(23) The District of Columbia Interstate Banking Act of 1985 Amendment Act of 1991 (D.C. Act 9-79).

(24) The Health Care Professional Volunteer Assistance Protection Amendment Act of 1991 (D.C. Act 9-78).

(25) The District of Columbia Alcoholic Beverage Control Act Brew Pub License Amendment Act of 1991 (D.C. Act 9-77).

(26) The Citizens Energy Advisory Committee Extension Amendment Act of 1991 (D.C. Act 9-82).

(27) The Extension of the Moratorium on Retail Service Station Conversions Amendment Act of 1991 (D.C. Act 9-81).

(28) The Juror Fees Amendment Act of 1991 (D.C. Act 9-80).

(29) The Condominium Act of 1976 Technical and Clarifying Temporary Amendment Act of 1991 (D.C. Act 9-75).

(30) The Queen's Stroll Street Designation Temporary Act of 1991 (D.C. Act 9-74).

(31) The Youth Rehabilitation Amendment Act of 1985 Amendment Act of 1991 (D.C. Act 9-33).

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2968:

HOUSE REPORTS: No. 102-169 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 137 (1991):

July 29, considered and passed House.
Aug. 2, considered and passed Senate.

Public Law 102-106
102d Congress

An Act

To permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District Government, and for other purposes.

Aug. 17, 1991
[H.R. 2969]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of
Columbia
Emergency
Deficit
Reduction
Act of 1991.

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Emergency Deficit Reduction Act of 1991".

SEC. 2. PERMITTING MAYOR TO REDUCE BUDGETS OF BOARD OF EDUCATION AND OTHER INDEPENDENT AGENCIES.

(a) IN GENERAL.—Title IV of the District of Columbia Self-Government and Governmental Reorganization Act is amended by inserting after section 452 the following new section:

"REDUCTIONS IN BUDGETS OF INDEPENDENT AGENCIES

"SEC. 453. (a) In accordance with subsection (b) and except as provided in subsection (c), the Mayor may reduce amounts appropriated or otherwise made available to independent agencies of the District of Columbia (including the Board of Education) for a fiscal year if the Mayor determines that it is necessary to reduce such amounts to balance the District's budget for the fiscal year.

"(b)(1) The Mayor may not make any reduction pursuant to subsection (a) unless the Mayor submits a proposal to make such a reduction to the Council and the Council approves the proposal.

"(2) A proposal submitted by the Mayor under paragraph (1) shall be deemed to be approved by the Council—

"(A) if no member of the Council files a written objection to the proposal with the Secretary of the Council before the expiration of the 10-day period that begins on the date the Mayor submits the proposal; or

"(B) if a member of the Council files such a written objection during the period described in subparagraph (A), if the Council does not disapprove the proposal prior to the expiration of the 45-day period that begins on the date the member files the written objection.

"(3) The periods described in subparagraphs (A) and (B) of paragraph (2) shall not include any days which are days of recess for the Council (according to the Council's rules).

"(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the District of Columbia courts or the Council."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to budgets for fiscal years beginning on or after October 1, 1990.

SEC. 3. PERMITTING DISTRICT OF COLUMBIA TO CARRY OUT EMPLOYEE SEPARATION PROGRAM.

Section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-242(3), D.C. Code) is amended by striking the period at the end of the fourth sentence and inserting the following: “, except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system pursuant to procedures established by the Council for the separation of officers and employees whose positions are determined to be excess positions if the separation of such officer or employee is carried out during the 18-month period that begins on the date of the enactment of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Emergency Amendment Act of 1991.”.

SEC. 4. PERMITTING DISTRICT OF COLUMBIA TO ISSUE BONDS FOR FINANCING EXISTING GENERAL FUND DEFICIT.

(a) **IN GENERAL.**—Section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 47-321(a), D.C. Code) is amended—

(1) by striking “(a)” and inserting “(a)(1)”;

(2) by striking “outstanding” and inserting “outstanding, to finance the outstanding accumulated operating deficit of the general fund of the District of \$331,589,000, existing as of September 30, 1990,”; and

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

“(2) The District may not issue any general obligation bonds to finance the operating deficit described in paragraph (1) after September 30, 1992.”.

(b) **WAIVER OF 30-DAY CONGRESSIONAL REVIEW PERIOD FOR DISTRICT ACT AUTHORIZING ISSUANCE OF BONDS.**—Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, the General Fund Recovery Act of 1991 (D.C. Act 9-64) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 2969:

HOUSE REPORTS: No. 102-170 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 137 (1991):

July 29, considered and passed House.

Aug. 2, considered and passed Senate.

Public Law 102-107
102d Congress

An Act

To provide emergency unemployment compensation, and for other purposes.

Aug. 17, 1991
[H.R. 3201]

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 "Emergency Unemployment Compensation Act of 1991".

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) **IN GENERAL.**—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (hereafter in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) **PROVISIONS OF AGREEMENT.**—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and are not paid or entitled to be paid any additional compensation under any State or Federal law); and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(2) for any week of unemployment which begins in the individual's period of eligibility (as defined in section 7(2)).

(c) **EXHAUSTION OF BENEFITS.**—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) **WEEKLY BENEFIT AMOUNT.**—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular

Emergency
Unemployment
Compensation
Act of 1991.
Inter-
governmental
relations. . .
26 USC 3304
note.
26 USC 3304
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compensation (including dependent's allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act, or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an account is established under section 3 shall not exceed the amount established in such account for such individual.

(e) **ELECTION.**—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State in a 7-percent period or an 8-percent period, as defined in section 3(c), is authorized to and may elect to trigger off an extended compensation period in order to provide payment of emergency unemployment compensation to individuals who have exhausted their rights to regular compensation under State law.

26 USC 3304
note.

SEC. 3. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) **IN GENERAL.**—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) **AMOUNT IN ACCOUNT.**—

(1) **IN GENERAL.**—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 100 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which the individual most recently received regular compensation, or

(B) the applicable limit times the individual's average weekly benefit amount for the benefit year.

(2) **APPLICABLE LIMIT.**—For purposes of this section—

(A) **IN GENERAL.**—Except as provided in this paragraph, the applicable limit shall be determined under the following table:

In the case of weeks beginning during a:	The applicable limit is:
8-percent period.....	20
7-percent period.....	13
6-percent period.....	7
Other period	4.

(B) **APPLICABLE LIMIT NOT REDUCED.**—An individual's applicable limit for any week shall in no event be less than the highest applicable limit in effect for any prior week for which emergency unemployment compensation was payable to the individual from the account involved.

(C) **INCREASE IN APPLICABLE LIMIT.**—If the applicable limit in effect for any week is higher than the applicable limit for any prior week, the applicable limit shall be the higher applicable limit, reduced (but not below zero) by the number of prior weeks for which emergency unemployment

compensation was paid to the individual from the account involved.

(3) **REDUCTION FOR EXTENDED BENEFITS.**—The amount in an account under paragraph (1) shall be reduced (but not below zero) by the aggregate amount of extended compensation (if any) received by such individual relating to the same benefit year under the Federal-State Extended Unemployment Compensation Act of 1970.

(4) **WEEKLY BENEFIT AMOUNT.**—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) **DETERMINATION OF PERIODS.**—

(1) **IN GENERAL.**—For purposes of this section, the terms "8-percent period", "7-percent period", "6-percent period", and "other period" mean, with respect to any State, the period which—

(A) begins with the second Sunday of the month after the first month during which the applicable trigger for such period is on, and

(B) ends with the Saturday immediately preceding the second Sunday of the month after the first month during which the applicable trigger for such period is off.

(2) **APPLICABLE TRIGGER.**—In the case of an 8-percent period, 7-percent period, 6-percent period, or other period, as the case may be, the applicable trigger is on for any week with respect to any such period if the average rate of total unemployment in the State for the period consisting of the most recent 6-calendar month period for which data are available—

(A) equals or exceeds 6 percent, and

(B) falls within the applicable range (as defined in paragraph (3)).

Subparagraph (A) shall only apply in the case of an 8-percent period, 7-percent period, or 6-percent period.

(3) **APPLICABLE RANGE.**—For purposes of this subsection, the applicable range is as follows:

In the case of a:	The applicable range is:
8-percent period.....	A rate equal to or exceeding 8 percent.
7-percent period.....	A rate equal to or exceeding 7 percent but less than 8 percent.
6-percent period.....	A rate equal to or exceeding 6 percent but less than 7 percent.
Other period.....	A rate less than 6 percent.

(4) **SPECIAL RULES FOR DETERMINING PERIODS.**—

(A) **MINIMUM PERIOD.**—Except as provided in subparagraph (B), if for any week beginning after August 31, 1991, an 8-percent period, 7-percent period, 6-percent period, or other period, as the case may be, is triggered on with respect to such State, such period shall last for not less than 13 weeks.

(B) **EXCEPTION IF APPLICABLE RANGE INCREASES.**—If, but for subparagraph (A), another period with a higher applicable range would be in effect for such State, such other period shall take effect without regard to subparagraph (A).

(5) **NOTIFICATION BY SECRETARY.**—When a determination has been made that an 8-percent period, 7-percent period, 6-percent

period, or other period is beginning or ending with respect to a State, the Secretary shall cause notice of such determination to be published in the Federal Register.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), no emergency unemployment compensation shall be payable to any individual under this Act for any week—

(A) beginning before the later of—

(i) September 1, 1991, or

(ii) the first week following the week in which an agreement under this Act is entered into, or

(B) beginning after July 4, 1992.

(2) **TRANSITION.**—In the case of an individual who is receiving emergency unemployment compensation for a week which includes July 4, 1992, such compensation shall continue to be payable to such individual in accordance with subsection (b) for any week beginning in a period of consecutive weeks for each of which the individual meets the eligibility requirements of this Act.

(3) **REACHBACK PROVISIONS.**—(A) **IN GENERAL.**—If—

(i) any individual exhausted such individual's rights to regular compensation (or extended compensation) under the State law after March 31, 1991, and before the first week following August 31, 1991 (or, if later, the week following the week in which the agreement under this Act is entered into), and

(ii) a period described in subsection (c)(2)(A) is in effect with respect to the State for the first week following August 31, 1991,

such individual shall be entitled to emergency unemployment compensation under this Act in the same manner as if such individual's benefit year ended no earlier than the last day of such following week.

(B) **LIMITATION OF BENEFITS.**—In the case of an individual who has exhausted such individual's rights to both regular and extended compensation, any emergency unemployment compensation payable under subparagraph (A) shall be reduced in accordance with subsection (b)(3).

26 USC 3304
note.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) **GENERAL RULE.**—There shall be paid to each State which has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) **TREATMENT OF REIMBURSABLE COMPENSATION.**—No payment shall be made to any State under this section in respect of compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) **DETERMINATION OF AMOUNT.**—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be

determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 5. FINANCING PROVISIONS.

26 USC 3304
note.

(a) **IN GENERAL.**—Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this Act.

(b) **CERTIFICATION.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(c) **ASSISTANCE TO STATES.**—There are hereby authorized to be appropriated without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this Act.

Appropriation
authorization.

SEC. 6. FRAUD AND OVERPAYMENTS.

26 USC 3304
note.

(a) **IN GENERAL.**—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) **REPAYMENT.**—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual, and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) **IN GENERAL.**—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) **OPPORTUNITY FOR HEARING.**—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) **REVIEW.**—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

26 USC 3304
note.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) **IN GENERAL.**—The terms “compensation”, “regular compensation”, “extended compensation”, “additional compensation”, “benefit year”, “base period”, “State”, “State agency”, “State law”, and “week” have the meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970.

(2) **ELIGIBILITY PERIOD.**—An individual’s eligibility period shall consist of the weeks in the individual’s benefit year which begin in an 8-percent period, 7-percent period, 6-percent period, or other period under this Act and, if the individual’s benefit year ends on or after August 31, 1991, any weeks thereafter which begin in any such period. In no event shall an individual’s period of eligibility include any weeks after the 39th week after the end of the benefit year for which the individual exhausted his rights to regular compensation or extended compensation.

(3) **RATE OF TOTAL UNEMPLOYMENT.**—The term “rate of total unemployment” means the average unadjusted total rate of unemployment (as determined by the Secretary) for a State for the period consisting of the most recent 6-calendar month period for which data are available.

26 USC 3304
note.

SEC. 8. PAYMENTS OF UNEMPLOYMENT COMPENSATION TO FORMER MEMBERS OF THE ARMED FORCES.

(a) **REPEAL OF CERTAIN LIMITATIONS.**—Subsection (c) of section 8521 of title 5, United States Code, is hereby repealed.

(b) **REDUCTION IN LENGTH OF REQUIRED ACTIVE DUTY BY RESERVES.**—Paragraph (1) of section 8521(a) of such title 5 is amended by striking “180 days” and inserting “90 days”.

5 USC 8521
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SEC. 9. ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION.

26 USC 3304
note.
42 USC 1108.

Section 908 of the Social Security Act is amended to read as follows:

“ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION

“SEC. 908. (a) ESTABLISHMENT.—Not later than February 1, 1992, and every 4th year thereafter (but not before February 1 of such 4th year), the Secretary of Labor shall establish an advisory council to be known as the Advisory Council on Unemployment Compensation (referred to in this section as the ‘Council’).

“(b) FUNCTION.—It shall be the function of each Council to evaluate the unemployment compensation program, including the purpose, goals, countercyclical effectiveness, coverage, benefit adequacy, trust fund solvency, funding of State administrative costs, administrative efficiency, and any other aspects of the program and to make recommendations for improvement.

“(c) MEMBERS.—

“(1) IN GENERAL.—Each Council shall consist of 11 members as follows:

“(A) 5 members appointed by the President, to include representatives of business, labor, State government, and the public.

“(B) 3 members appointed by the President pro tempore of the Senate, in consultation with the Chairman and ranking member of the Committee on Finance.

“(C) 3 members appointed by the Speaker of the House, in consultation with the Chairman and ranking member of the Committee on Ways and Means.

“(2) QUALIFICATIONS.—In appointing members under subparagraphs (B) and (C), the President pro tempore of the Senate and the Speaker of the House shall each appoint—

“(A) 1 representative of the interests of business,

“(B) 1 representative of the interests of labor, and

“(C) 1 representative of the interests of State governments.

“(3) VACANCIES.—A vacancy in any Council shall be filled in the manner in which the original appointment was made.

“(4) CHAIRMAN.—The President shall appoint the Chairman.

President.

“(d) STAFF AND OTHER ASSISTANCE.—

“(1) IN GENERAL.—Each council may engage any technical assistance (including actuarial services) required by the Council to carry out its functions under this section.

“(2) ASSISTANCE FROM SECRETARY OF LABOR.—The Secretary of Labor shall provide each Council with any staff, office facilities, and other assistance, and any data prepared by the Department of Labor, required by the Council to carry out its functions under this section.

“(e) COMPENSATION.—Each member of any Council—

“(1) shall be entitled to receive compensation at the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Council, and

“(2) while engaged in the performance of such duties away from such member’s home or regular place of business, shall be allowed travel expenses (including per diem in lieu of subsist-

ence) as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

“(f) REPORT.—

“(1) IN GENERAL.—Not later than February 1 of the second year following the year in which any Council is required to be established under subsection (a), the Council shall submit to the President and the Congress a report setting forth the findings and recommendations of the Council as a result of its evaluation of the unemployment compensation program under this section.

“(2) REPORT OF FIRST COUNCIL.—The Council shall include in its February 1, 1994, report findings and recommendations with respect to determining eligibility for extended unemployment benefits on the basis of unemployment statistics for regions, States, or subdivisions of States.”.

26 USC 3304
note.

SEC. 10. EMERGENCY DESIGNATION.

(a) EMERGENCY DESIGNATION.—Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless, not later than the date of the enactment of this Act, the President submits to the Congress a written designation of all direct spending amounts provided by this Act (for all fiscal years) and all appropriations authorized by this Act (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

Approved August 17, 1991.

LEGISLATIVE HISTORY—H.R. 3201:

HOUSE REPORTS: No. 102-184 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 137 (1991):

Aug. 2, considered and passed House and Senate.

Public Law 102-108
102d Congress

An Act

To make Technical Amendments to the Nutrition Information and Labeling Act, and for other purposes.

Aug. 17, 1991
[S. 1608]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INGREDIENT LABELING.

Section 10(c) of the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 343 note) is amended to read as follows:

“(c) SECTION 7.—

“(1) Except as provided in paragraphs (2) and (3), the amendments made by section 7 shall take effect one year after the date of the enactment of this Act.

“(2)(A) If a food subject to section 403(g) of the Federal Food, Drug, and Cosmetic Act or a food with one or more colors required to be certified under section 706(c) bears a label which was printed before July 1, 1991, and which is attached to the food before May 8, 1993, such food shall not be subject to the amendments made by section 7(1) and section 7(3).

“(B) If a food described in subparagraph (A)—

“(i) bears a label which was printed after July 1, 1991, but before the date the proposed regulation described in clause (ii) takes effect as a final regulation and which was attached to the food before May 8, 1993, and

“(ii) meets the requirements of the proposed regulation of the Secretary of Health and Human Services published in 56 Fed. Reg. 28592-28636 (June 21, 1991) as it pertains to the amendments made by this Act,

such food shall not be subject to the amendments made by section 7(1) and section 7(3).

“(3) A food purported to be a beverage containing a vegetable or fruit juice which bears a label attached to the food before May 8, 1993, shall not be subject to the amendments made by section 7(2).”

SEC. 2. TECHNICAL AMENDMENTS.

(a) **NUTRITION LABELING.**—Section 403(q)(4)(A) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(a) of the Nutrition Labeling and Education Act of 1990) is amended by striking out “(C)” and inserting in lieu thereof “(D)”. 21 USC 343.

(b) **UNIFORM LABELING.**—Section 403A(a)(5) of the Federal Food, Drug, and Cosmetic Act (as added by section 6 of the Nutrition Labeling and Education Act of 1990) is amended by striking out “clause (B) of such section” and inserting in lieu thereof “section 403(r)(5)(B)”. 21 USC 343-1.

(c) **REFERENCES.**—Section 7 of the Nutrition Labeling and Education Act of 1990 is amended— 21 USC 343.

(1) in paragraph (1), by inserting “the provisions of” after “subject to”, and

(2) in paragraph (3), by inserting “the first time it appears” before “and inserting”.

(d) SECTION 503.—Section 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353) is amended—

(1) by striking out “section 503(b)” in subsections (c)(2) and (c)(3)(B)(v) and inserting in lieu thereof “subsection (b)”,

(2) by striking out “section 503(c)(1)” in subsection (d)(3)(E) and inserting in lieu thereof “subsection (c)(1)”,

(3) by redesignating the subsection (c) added by section 105 of the Generic Animal Drug and Patent Restoration Act (Public Law 100-670) as subsection (f), and

(4) by redesignating the subsection (f) added by section 16 of the Safe Medical Devices Act of 1990 (Public Law 101-629) as subsection (g).

(e) ANIMAL DRUGS.—Section 512(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)(1)(B)) is amended by striking out “(H)” and inserting in lieu thereof “(I)”.

(f) PUBLIC HEALTH SERVICE ACT TECHNICAL AMENDMENTS.—Section 395. [280c](a)(1) after the word “if” insert the words “skilled medical services,”.

42 USC 280c.

Approved August 17, 1991.

LEGISLATIVE HISTORY—S. 1608:

CONGRESSIONAL RECORD, Vol. 137 (1991):

July 31, considered and passed Senate.

Aug. 2, considered and passed House.

Public Law 102-109
102d Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1992, and for other purposes.

Sept. 30, 1991

[H.J. Res. 332]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1992, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1991 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992;

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 201 of Public Law 99-64 and section 701 of the United States Information and Educational Exchange Act of 1948;

The Department of Defense Appropriations Act, 1992, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1992;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1992;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1992;

The Military Construction Appropriations Act, 1992;

The Department of Transportation and Related Agencies Appropriations Act, 1992;

The Treasury, Postal Service, and General Government Appropriations Act, 1992; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under cur-

rent operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1991, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1991, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

(c) Whenever an Act listed in this section has been passed by only the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided*, That where an item is funded in applicable appropriations Acts for the fiscal year 1991 and not included in the version passed by the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1991, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1991 or prior years, for the increase in production rates above those sustained with fiscal year 1991 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1991, except projects, activities, operations, or organizations relating to "Operation Desert Shield/Desert Storm": *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1991.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1991, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 29, 1991, whichever first occurs.

Termination
date.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in any appropriations Act for the fiscal year 1992 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) shall remain in effect through the period covered by this joint resolution.

38 USC 1710
note.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the National Science Foundation's United States Antarctic Logistical Support Activities

account shall be maintained at the current rate of operations.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Federal Communications Commission's Salaries and Expenses account shall be maintained at the current rate of operations.

Approved September 30, 1991.

LEGISLATIVE HISTORY—H.J. Res. 332:

HOUSE REPORTS: No. 102-216 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Sept. 25, considered and passed House; considered and passed Senate, amended.

Sept. 26, House concurred in Senate amendment.

Public Law 102-110
102d Congress

An Act

To amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years.

Oct. 1, 1991
[S. 296]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Armed Forces
Immigration
Adjustment Act
of 1991.
8 USC 1101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Immigration Adjustment Act of 1991".

SEC. 2. SPECIAL IMMIGRANT STATUS FOR ALIENS WHO HAVE SERVED HONORABLY (OR ARE ENLISTED TO SERVE) IN THE ARMED FORCES OF THE UNITED STATES FOR AT LEAST 12 YEARS.

(a) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (I),

(2) by striking the period at the end of subparagraph (J) and inserting "; or", and

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

"(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating—

"(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

"(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant."

(b) NUMERICAL LIMITATIONS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as inserted by section 121(a) of the Immigration Act of 1990, is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR 'K' SPECIAL IMMIGRANTS.—

"(A) NOT COUNTED AGAINST NUMERICAL LIMITATION IN YEAR INVOLVED.—Subject to subparagraph (B), the number of immigrant visas made available to special immigrants under section 101(a)(27)(K) in a fiscal year shall not be subject to the numerical limitations of this subsection or of section 202(a).

“(B) COUNTED AGAINST NUMERICAL LIMITATIONS IN FOLLOWING YEAR.—

“(i) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS.—The number of visas made available in any fiscal year under paragraphs (1), (2), and (3) shall each be reduced by $\frac{1}{3}$ of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K).

“(ii) REDUCTION IN PER COUNTRY LEVEL.—The number of visas made available in each fiscal year to natives of a foreign state under section 202(a) shall be reduced by the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

“(iii) REDUCTION IN EMPLOYMENT-BASED IMMIGRANT CLASSIFICATIONS WITHIN PER COUNTRY CEILING.—In the case of a foreign state subject to section 202(e) in a fiscal year (and in the previous fiscal year), the number of visas made available and allocated to each of paragraphs (1) through (3) of this subsection in the fiscal year shall be reduced by $\frac{1}{3}$ of the number of visas made available in the previous fiscal year to special immigrants described in section 101(a)(27)(K) who are natives of the foreign state.

“(C) APPLICATION OF SEPARATE NUMERICAL LIMITATION.—

“(i) IN GENERAL.—Subject to clause (ii), the number of immigrant visas made available to special immigrants under section 101(a)(27)(K) in any fiscal year (other than as a spouse or child described in such section) may not exceed—

“(I) in the case of aliens who are nationals of a foreign state for which there is a numerical limitation treaty or agreement (as defined in clause (iii)), 2,000, or

“(II) in the case of aliens who are nationals of any other state, 100.

“(ii) EXCEPTION FOR ALIENS CURRENTLY MEETING REQUIREMENTS.—The numerical limitations of clause (i) shall not apply to individuals who meet the requirements of section 101(a)(27)(K) as of the date of the enactment of this subparagraph.

“(iii) NUMERICAL LIMITATION TREATY OR AGREEMENT.—In clause (i), the term ‘numerical limitation treaty or agreement’ means a treaty or agreement in effect on the date of the enactment of this subparagraph which authorizes and limits the number of aliens who are nationals of such state who may be enlisted annually in the Armed Forces of the United States.”.

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(1) in subsection (c)(2), by striking “or (I)” and inserting “, (I), or (K)”, and

(2) by adding at the end the following new subsection:

“(g) In applying this section to a special immigrant described in section 101(a)(27)(K), such an immigrant shall be deemed, for purposes of subsection (a), to have been paroled into the United States.”.

(d) **EFFECTIVE DATE.**—This section shall take effect 60 days after the date of the enactment of this Act.

8 USC 1101
note.

SEC. 3. DELAY UNTIL APRIL 1, 1992, IN IMPLEMENTATION OF PROVISIONS RELATING TO O AND P NONIMMIGRANTS.

8 USC 1101
note.

Section 214(g)(1)(C) of the Immigration and Nationality Act shall not apply to the issuance of visas or provision of status before April 1, 1992. Aliens seeking nonimmigrant admission as artists, athletes, entertainers, or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance) before April 1, 1992, shall not be admitted under subparagraph (O)(i), (O)(ii), (P)(i), or (P)(iii) of section 101(a)(15) of such Act, but may be admitted under the terms of subparagraph (H)(i)(b) of such section (as in effect on September 30, 1991).

SEC. 4. CONTINUATION OF DERIVATIVE STATUS FOR SPOUSES AND CHILDREN OF THIRD AND SIXTH PREFERENCE IMMIGRANTS; DEEMED CONTINUED EFFECTIVENESS OF CERTAIN EMPLOYMENT-BASED PETITIONS.

Effective as if included in the Immigration Act of 1990, section 161(c) of such Act is amended by adding at the end the following new paragraphs:

Effective date.
8 USC 1101
note.

“(3) In the case of an alien who is described in section 203(a)(8) of the Immigration and Nationality Act (as in effect before October 1, 1991) as the spouse or child of an alien described in section 203(a)(3) or 203(a)(6) of such Act and who would be entitled to enter the United States under such section 203(a)(8) but for the amendments made by this section, such an alien shall be deemed to be described in section 203(d) of such Act as the spouse or child of an alien described in section 203(b)(2) or 203(b)(3)(A)(i), respectively, of such Act with the same priority date as that of the principal alien.

“(4)(A) Subject to subparagraph (B), any petition filed before October 1, 1991, and approved on any date, to accord status under section 203(a)(3) or 203(a)(6) of the Immigration and Nationality Act (as in effect before such date) shall be deemed, on and after October 1, 1991 (or, if later, the date of such approval), to be a petition approved to accord status under section 203(b)(2) or under the appropriate classification under section 203(b)(3), respectively, of such Act (as in effect on and after such date). Nothing in this subparagraph shall be construed as exempting the beneficiaries of such petitions from the numerical limitations under section 203(b)(2) or 203(b)(3) of such Act.

“(B) Subparagraph (A) shall not apply more than two years after the date the priority date for issuance of a visa on the basis of such a petition has been reached.”

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE RESETTLEMENT PROGRAMS FOR FISCAL YEAR 1992.

Subsection (a) of section 414 of the Immigration and Nationality Act (8 U.S.C. 1524) is amended to read as follows:

“(a) There are authorized to be appropriated for fiscal year 1992 such sums as may be necessary to carry out this chapter.”.

Approved October 1, 1991.

LEGISLATIVE HISTORY—S. 296:

HOUSE REPORTS: No. 102-195 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 137 (1991):

Jan. 30, considered and passed Senate.

Sept. 16, considered and passed House, amended.

Sept. 24, Senate concurred in House amendment with an amendment.

Sept. 26, House concurred in Senate amendment.

Public Law 102-111
102d Congress

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

Oct. 1, 1991
[H.R. 3291]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

FISCAL YEAR 1992 APPROPRIATIONS

District of
Columbia
Appropriations
Act, 1992.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1992, \$630,500,000.

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$52,070,000.

METROPOLITAN POLICE DEPARTMENT

For a Federal contribution to the District of Columbia for the Metropolitan Police Department, \$75,000, of which \$25,000 shall be for an accreditation study by a recognized law enforcement accrediting organization and \$50,000 shall be for community empowerment policing programs.

BOARD OF EDUCATION

For a Federal contribution to the District of Columbia, \$3,205,000, of which \$2,125,000 shall be for renovations to public school athletic and recreational grounds and facilities; \$330,000 shall be for the Options Program; \$250,000 shall be for the Parents as Teachers Program; and \$500,000 shall be for maintenance, improvements, and repairs to public school facilities under the Direct Activity Purchase System (DAPS): *Provided*, That the \$500,000 provided for DAPS shall be returned to the United States Treasury on October 1, 1992, if the amount spent by the District of Columbia out of its own funds under DAPS and for maintenance, improvements, and repairs to public school facilities in fiscal year 1992 is less than the amount spent by the District out of its own funds for such purposes in fiscal year 1991: *Provided further*, That of the \$3,205,000 appropriated under this heading, \$1,500,000 shall not be available for obligation

until September 30, 1992 and shall not be expended prior to October 1, 1992.

DISTRICT OF COLUMBIA GENERAL HOSPITAL

For a Federal contribution to the District of Columbia General Hospital, \$9,500,000, of which \$8,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992.

DEPARTMENT OF HUMAN SERVICES

For a Federal contribution to the District of Columbia for the Department of Human Services for the breast and cervical cancer screening program, \$500,000.

DISTRICT OF COLUMBIA INSTITUTE FOR MENTAL HEALTH

For a Federal contribution to the District of Columbia Institute for Mental Health to provide professional mental health care to low-income, underinsured, and indigent children, adults, and families in the District of Columbia, \$1,000,000.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center for a cost-shared National Child Protection Center, \$3,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$110,921,000: *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds \$8,326,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That the Mayor shall submit to the Council of the District of Columbia by October 1, 1991, a

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reorganization plan for the Department of Finance and Revenue that shall follow the directives and initiatives contained in the Report of the Committee of the Whole on Bill 9-151, the Fiscal Year 1991 Supplemental Budget and Rescissions of Authority Request Act of 1991, at 8-20 (March 25, 1991).

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$106,430,000: *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$930,836,000: *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That \$50,000 of this appropriation shall be available at the discretion of the Chief of Police for community empowerment policing programs: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available solely for an accreditation study of the Metropolitan Police Department by a recognized law enforcement accrediting organization: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved

Reports.

September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1992, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1992, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective September 30, 1989 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1992, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1992, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further*, That the staffing levels of each engine company within the Fire Department shall be maintained in accordance with the provisions of the Fire Department Rules and Regulations, if any: *Provided further*, That the reduction in the staffing levels of each two-piece engine company shall not take effect until such time as the Fire Chief certifies to the Committees on Appropriations of the House and Senate that the Department is taking all reasonable steps to reduce the expenses of the Department, including steps to reduce overtime, filling eligible vacancies, returning detailees to their intended positions, and other measures deemed appropriate by the Fire Department: *Provided further*, That when staffing levels are reduced, the pay and salary levels of fire fighter technicians shall be held harmless during the term of the collective bargaining agreement in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used to implement any staffing plan for the District of Columbia Fire Department that includes the elimination of any positions for Administrative Assistants to the Battalion Fire Chiefs of the Fire-fighting Division of the Department: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for

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expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for the emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$708,536,000, to be allocated as follows: \$519,344,000 for the public schools of the District of Columbia; \$2,625,000 for pay-as-you-go capital projects for public schools, of which \$2,125,000 shall be for renovations to public school athletic and recreational grounds and facilities and \$500,000 shall be for maintenance, improvements, and repairs to public school facilities under the Direct Activity Purchase System (DAPS): *Provided*, That the \$500,000 provided for DAPS shall be returned to the United States Treasury on October 1, 1992, if the amount spent by the District of Columbia out of its own funds under DAPS and for maintenance, improvements, and repairs to public school facilities in fiscal year 1992 is less than the amount spent by the District out of its own funds for such purposes in fiscal year 1991: *Provided further*, That of the \$708,536,000 appropriated under this heading and the \$2,625,000 allocated for pay-as-you-go capital projects for public schools, \$1,500,000 shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992: *Provided further*, That of the \$519,344,000 allocated for the public schools of the District of Columbia under this heading, \$3,150,000 shall be paid within fifteen (15) days of the enactment of this Act directly to the District of Columbia Public Schools Foundation for a series of demonstration projects including Project ACCORD (\$900,000 of which \$300,000 shall be paid directly to the Foundation when the Foundation certifies that an equal amount of private contributions has been received); the Anacostia Project (\$1,000,000); the Cooperative Employment Education Project (\$500,000); and the Options Program (\$750,000); \$84,200,000 for the District of Columbia Teachers' Retirement Fund; \$73,495,000 for the University of the District of Columbia; \$20,578,000 for the Public Library, of which \$200,000 is to be transferred to the Children's Museum; \$3,527,000 for the Commission on the Arts and Humanities; \$4,290,000 for the District of Columbia School of Law; and \$477,000 for the Education Licensure Commission: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of

Columbia adopts, for the fiscal year ending September 30, 1992, a tuition rate schedule that will establish the tuition rate for non-resident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, \$875,033,000: *Provided*, That \$20,848,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That \$8,500,000 of this appropriation for the District of Columbia General Hospital shall not be available for obligation until September 30, 1992 and shall not be expended prior to October 1, 1992: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public Works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$234,390,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, \$13,110,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); section 723 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act

Amendments, approved October 13, 1977 (91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$277,577,000.

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$41,170,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, \$3,423,000.

CAPITAL OUTLAY

For construction projects, \$312,453,946, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, secs. 9-219 and 47-3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85-692; D.C. Code, sec. 40-805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91-143; D.C. Code, secs. 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That \$17,707,000 shall be available for project management and \$10,273,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That \$2,625,000 for the public school system for pay-as-you-go capital projects shall be financed from general fund operating revenues: *Provided further*, That up to \$1,500,000 of the funds provided under this heading may be used to secure access, rights-of-way, easements or title to lands not now in public ownership known as the Metropolitan Branch Trail from its current owners: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1993, except authorizations for

projects as to which funds have been obligated in whole or in part prior to September 30, 1993: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, \$219,752,000, of which \$38,006,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, \$51,690,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further*, That \$25,608,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), \$8,450,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the sources of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), \$2,000,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and

the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1993, shall be transmitted to the Congress no later than April 15, 1992.

District of
Columbia
budget.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia of the Senate

Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Abortion.

SEC. 114. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 115. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

Reports.

SEC. 116. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 117. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 118. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 120. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 121. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor,

not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1991 shall be deemed to be the rate of pay payable for that position for September 30, 1991.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

SEC. 122. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 123. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 124. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1992, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1992 revenue estimates as of the end of the first quarter of fiscal year 1992. These estimates shall be used in the budget request for the fiscal year ending September 30, 1993. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 125. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1991" and inserting "sold before October 1, 1992".

SEC. 126. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been

Education.
Contracts.

made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 127. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

103 Stat. 1280.

SEC. 129. Section 133(e) of the District of Columbia Appropriations Act, 1990, as amended, is amended by striking "December 31, 1991" and inserting "December 31, 1992".

SEC. 130. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 131. For the fiscal year ending September 30, 1992, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 132. None of the funds provided in this Act may be used by the District of Columbia to provide for the salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 133. (a) Up to 75 officers or members of the Metropolitan Police Department who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1991 shall be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act, as amended, approved September 30, 1983 (97 Stat. 727; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act.

(b) The Mayor, within 30 days after the enactment of this Act, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the require-

Law
enforcement
officers.
Firefighters.

ments of sections 142(d) and 144(d) of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; Public Law 96-122; D.C. Code, secs. 1-722(d) and 1-724(d)).

(c) If any of the 75 light duty positions that may become vacant under subsection (a) of this section are filled, a civilian employee shall be hired to fill that position or it shall be filled by an officer or member of the Metropolitan Police Department for a temporary period of time.

(d) The limited duty policy of the Metropolitan Police Department shall be that in effect prior to July 8, 1990: *Provided*, That nothing herein is intended to prohibit the parties from negotiating a limited duty policy that is fair for all concerned and that does not impede the Department from carrying out its duties: *Provided further*, That whatever negotiations take place should also consider methods to prevent abuse of the program which drains scarce police resources.

(e) If less than the 75 officers or members excluded under subsection (a) are retired on disability, the actuary shall adjust accordingly the determinations made pursuant to section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122).

SEC. 134. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1992 if—

(1) the Mayor approves the acceptance and use of the gift or donation; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

This title may be cited as the “District of Columbia Appropriations Act, 1992”.

TITLE II

FISCAL YEAR 1991 SUPPLEMENTAL

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for “Governmental direction and support”, \$257,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2226 to 2227), \$5,650,000 are rescinded for a net decrease of \$5,393,000: *Provided further*, That of the \$9,077,000 appropriated under this heading for fiscal year 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2226), to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, none shall be derived from the general fund and not to exceed \$9,077,000 shall be derived from the earnings of the applicable retirement funds: *Pro-*

Records.
Public
information.

District of
Columbia
Supplemental
Appropriations
and Rescissions
Act, 1991.

vided further, That within fifteen days of the date of enactment of this Act the District of Columbia Retirement Board shall reimburse the general fund of the District by an amount not to exceed \$818,000 for any expenses of the Board paid with general fund revenues in fiscal year 1991: *Provided further*, That the Mayor shall submit to the Council of the District of Columbia by October 1, 1991, a reorganization plan for the Department of Finance and Revenue that shall follow the directives and initiatives contained in the Report of the Committee of the Whole on Bill 9-151, the Fiscal Year 1991 Supplemental Budget and Rescissions of Authority Request Act of 1991, at 8-20 (March 25, 1991).

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", \$37,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2227), \$29,525,000 are rescinded for a net decrease of \$29,488,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", \$10,774,000, of which an additional \$3,600,000 shall be allocated to the Fire and Emergency Medical Services Department; an additional \$84,000 shall be allocated to the Civilian Complaint Review Board; and notwithstanding any other law, an additional \$7,090,000 shall be allocated for the District of Columbia Police Officers and Fire Fighters' Retirement Fund: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2227 to 2229), \$20,711,000 are rescinded for a net decrease of \$9,937,000: *Provided further*, That notwithstanding any other provisions of law, of the funds available for fiscal year 1991, \$225,000 of the amount allocated to the District of Columbia Judge's Retirement Fund are rescinded.

The following provision under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2228), is repealed: "*Provided further*, That at least 21 ambulances shall be maintained on duty 24 hours per day, 365 days a year:".

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", \$200,000 for the Public Library to be transferred to the Children's Museum.

Of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2229), \$11,123,000 for the D.C. Public Schools; \$10,000,000 for pay-as-you-go capital projects for public schools; \$3,418,000 for

the University of the District of Columbia; \$41,000 for the Education Licensure Commission; \$327,000 for the Commission on Arts and Humanities; and notwithstanding any other provisions of law, \$23,650,000 for the District of Columbia Teachers' Retirement Fund are rescinded for a net decrease of \$48,359,000.

The following provision under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2229), is repealed: "*Provided further*, That the amount allocated under this title for the public schools shall be increased, dollar for dollar up to \$36,400,000, by the amount the annual Federal payment for fiscal year 1991 is increased above the current \$430,500,000 Federal payment in fiscal year 1990:".

HUMAN SUPPORT SERVICES

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2229 to 2230), \$11,227,000 are rescinded.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public works", \$2,965,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2230), \$2,949,000 are rescinded for a net increase of \$16,000.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center Fund", \$2,756,000.

REPAYMENT OF LOANS AND INTEREST

For an additional amount for "Repayment of loans and interest", \$8,577,000.

REPAYMENT OF GENERAL FUND DEFICIT

The paragraph under the heading "Repayment of General Fund Deficit", in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2231), is repealed.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", \$8,142,000.

OPTICAL AND DENTAL BENEFITS

For an additional amount for "Optical and dental benefits", \$311,000.

SUPPLY, ENERGY, AND EQUIPMENT ADJUSTMENT

The paragraph under the heading "Supply, energy, and equipment adjustment", in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2231), is repealed.

PERSONAL SERVICES ADJUSTMENT

The paragraph under the heading "Personal services adjustment", in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518, 104 Stat. 2231), is repealed.

CAPITAL OUTLAY

For an additional amount for "Capital outlay", \$73,570,000, to remain available until expended: *Provided*, That of the amounts appropriated under this heading in prior fiscal years for the Mount Vernon Square Campus project of the University of the District of Columbia, \$39,134,000 are rescinded for a net increase of \$34,436,000: *Provided further*, That \$2,644,000 shall be available for project management and \$3,212,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

WATER AND SEWER ENTERPRISE FUND

(INCLUDING RESCISSION)

For an additional amount for "Water and Sewer Enterprise Fund", \$23,633,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1991 in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2232), \$35,880,000 are rescinded for a net decrease of \$12,247,000: *Provided further*, That \$35,852,000 of the amounts available for fiscal year 1991 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects instead of \$36,608,000 as provided under this heading in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2232): *Provided further*, That \$15,477,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects instead of \$39,609,000 as provided under this heading in the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2232).

GENERAL PROVISIONS

SEC. 201. Section 112 of the District of Columbia Appropriations Act, 1991, approved November 5, 1990 (Public Law 101-518; 104 Stat. 2234), is amended by striking "April 15, 1991" and inserting "May 17, 1991".

SEC. 202. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1991 if—

- (1) the Mayor approves the acceptance and use of the gift or donation; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

Records.
Public
information.

(c) For purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

Sec. 203. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1991.

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1991".

Approved October 1, 1991.

LEGISLATIVE HISTORY—H.R. 3291:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Sept. 16, considered and passed House; considered and passed Senate, amended.
Sept. 26, Senate receded from its amendments.

Public Law 102-112
102d Congress

Joint Resolution

Oct. 3, 1991

[H.J. Res. 23]

To authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week".

Approved October 3, 1991.

LEGISLATIVE HISTORY—H.J. Res. 23:

CONGRESSIONAL RECORD, Vol. 137 (1991):
July 10, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 102-113
102d Congress

Joint Resolution

Designating September 20, 1991, as "National POW/MIA Recognition Day", and authorizing display of the National League of Families POW/MIA flag.

Oct. 3, 1991
[H.J. Res. 233]

Whereas the United States has fought in many wars, most recently in unprecedented unity with Allied forces in the Persian Gulf War;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute and continuing hardships;

Whereas in section 2 of Public Law 101-355, the Congress officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoners of war, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF "NATIONAL POW/MIA RECOGNITION DAY".

September 20, 1991, is hereby designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY POW/MIA FLAG AT ALL NATIONAL CEMETERIES, THE NATIONAL VIETNAM VETERANS MEMORIAL, AND CERTAIN FEDERAL BUILDINGS.

(a) **IN GENERAL.**—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1991 (Memorial Day), September 20, 1991 ("National POW/MIA Recognition Day"), and November 11, 1991 (Veteran's Day), and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 20, 1991,

as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing,

and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) **BUILDINGS.**—The buildings specified in this subsection are—

- (1) the White House, and
- (2) the buildings containing the primary offices of the—
 - (A) Secretary of State,
 - (B) Secretary of Defense,
 - (C) Secretary of Veterans Affairs, and
 - (D) Director of the Selective Service Commission.

(c) **PROCUREMENT AND DISTRIBUTION.**—Within 30 days after the date of the enactment of this joint resolution, the Administrator of General Services shall procure POW/MIA flags and appropriately distribute such flags as are necessary to carry out this joint resolution.

(d) **POW/MIA FLAG.**—As used in this section, the term “POW/MIA flag” means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.

Approved October 3, 1991.

LEGISLATIVE HISTORY—H.J. Res. 233 (S.J. Res. 170):

CONGRESSIONAL RECORD, Vol. 137 (1991):

Sept. 16, considered and passed House. S.J. Res. 170 considered and passed Senate.

Sept. 18, H.J. Res. 233 considered and passed Senate.

Public Law 102-114
102d Congress

Joint Resolution

Designating October 1991 as "National Domestic Violence Awareness Month".

Oct. 3, 1991

[S.J. Res. 73]

- Whereas it is estimated that a woman is battered every fifteen seconds in America;
- Whereas domestic violence is the single largest cause of injury to women in the United States, affecting six million women;
- Whereas urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles are affected by domestic violence;
- Whereas 31 per centum of female homicide victims in 1988 were killed by their husbands or boyfriends;
- Whereas one-third of the domestic violence incidents involve felonies, specifically, rape, robbery, and aggravated assault;
- Whereas in 50 per centum of families where the wife is being abused, the children of that family are also abused;
- Whereas some individuals in our law enforcement and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;
- Whereas in 1987, over three hundred and seventy-five thousand women, plus their children, were provided emergency shelter in domestic violence shelters and safehomes and the number of women and children that were sheltered by domestic violence programs increased by one hundred and sixty-four thousand between 1983 and 1987;
- Whereas 40 per centum of women in need of shelter may be turned away due to a lack of shelter space;
- Whereas the nationwide efforts to help the victims of domestic violence need to be expanded and coordinated;
- Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and
- Whereas the dedication and successes of those working to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "National Domestic Violence Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.

Approved October 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 73:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 24, considered and passed House.

Public Law 102-115
102d Congress

Joint Resolution

To designate October 1991 as "Polish-American Heritage Month".

Oct. 3, 1991
[S.J. Res. 125]

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia, in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contribution to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was modeled directly on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor in the greatest son of Poland, his Holiness Pope John Paul the Second;

Whereas Poles and Americans of Polish descent and people everywhere applauded the efforts of Solidarity's leader and now President Lech Walesa in fighting for freedom, human rights, and economic reform in Poland;

Whereas the Polish American Congress is observing its forty-seventh anniversary this year and is celebrating October 1991 as "Polish-American Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated "Polish-American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a month with appropriate ceremonies and activities.

Approved October 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 125:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 24, considered and passed House.

Public Law 102-116
102d Congress

Joint Resolution

To designate the Second Sunday in October of 1991 as "National Children's Day".

Oct. 3, 1991
[S.J. Res. 126]

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should not be allowed to feel that their ideas and dreams will be stifled because adults in the United States do not take time to listen;

Whereas many children face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to remain at home;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas parents, teachers, and community and religious leaders should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second Sunday in October of 1991 is designated as "National Children's Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Approved October 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 126 (H.J. Res. 183):

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 26, considered and passed Senate. H.J. Res. 183 considered and passed House.

Sept. 16, S.J. Res. 126 considered and passed House.

Public Law 102-117
102d Congress

Joint Resolution

To designate October 6, 1991, and October 6, 1992, as "German-American Day".

Oct. 3, 1991
[S.J. Res. 151]

Whereas since the arrival of the first German immigrants to America on October 6, 1683, in the area of Germantown, Pennsylvania, German-Americans have made significant contributions to the quality of life in the United States;

Whereas German-Americans are proud of the existing friendship and cooperation between the Federal Republic of Germany and the United States, of which the German-American Friendship Garden in Washington, D.C., is evidence;

Whereas German-Americans pledge their unconditional support for further expansion of the existing friendship between Germany and the United States, and will continue to contribute to the culture of the United States, support its Government and democratic principles, and will also work to help assure the freedom of all people;

Whereas President Bush lauded German unification and the spirit of friendship and cooperation between the people of the Federal Republic of Germany and the people of the United States during proclamation ceremonies for German-American Flag Day on October 3, 1990; and

Whereas the Congress unanimously passed joint resolutions designating October 6 of 1987, 1988, 1989, and 1990 each as "German-American Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 6, 1991, and October 6, 1992, are designated as "German-American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such days with appropriate programs, ceremonies, and activities.

Approved October 3, 1991.

LEGISLATIVE HISTORY—S.J. Res. 151:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 16, considered and passed House.

Public Law 102-118
102d Congress

An Act

Oct. 4, 1991

[S. 363]

To authorize the addition of 15 acres to Morristown National Historical Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO PARK.

The Act entitled "An Act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes", approved September 18, 1964 (16 U.S.C. 409g), is amended by striking "600" each place it appears and inserting "615".

Approved October 4, 1991.

LEGISLATIVE HISTORY—S. 363:

HOUSE REPORTS: No. 102-212 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 102-45 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Apr. 25, considered and passed Senate.

Sept. 24, considered and passed House.

Public Law 102-119
102d Congress

An Act

To amend the Individuals with Disabilities Education Act to strengthen such Act, and for other purposes.

Oct. 7, 1991
[S. 1106]

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 “Individuals with Disabilities Education Act Amendments of 1991”.

SEC. 2. REFERENCES REGARDING INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Any reference made in this Act to an amendment or repeal of a provision shall be considered to be an amendment or repeal, respectively, of that provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), unless another public law is specified as being the subject of the amendment or repeal.

SEC. 3. DEFINITIONS FOR ACT IN GENERAL.

Section 602(a)(1) (20 U.S.C. 1401(a)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting “(A)” after “(1)”; and

(3) by adding at the end thereof the following new subparagraph:

“(B) The term ‘children with disabilities’ for children aged 3 to 5, inclusive, may, at a State’s discretion, include children—

“(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

“(ii) who, by reason thereof, need special education and related services.”.

SEC. 4. SETTLEMENTS AND ALLOCATIONS.

(a) **AMENDMENTS TO SUBSECTION (c).**—Section 611(c)(2)(A)(i)(II) (20 U.S.C. 1411(c)(2)(A)(i)(II)) is amended by striking “\$350,000” and inserting “\$450,000”.

(b) **AMENDMENTS TO SUBSECTION (f).**—Section 611(f) (20 U.S.C. 1411(f)) is amended to read as follows:

“(f)(1) The Secretary shall make payments to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5-21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior. In the case of Indian students ages 3-5, inclusive, who are enrolled in programs affiliated with Bureau of Indian Affairs (hereafter in this subsection referred

Individuals with Disabilities Education Act Amendments of 1991. Children and youth. Inter-governmental relations. 20 USC 1400 note.

Indians.

to as 'BIA') schools and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools have such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (3). The amount of such payment for any fiscal year shall be 1 percent of the aggregate amounts available for all States under this section for that fiscal year.

"(2) With respect to all other children aged 3-21, inclusive, on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

"(3) The Secretary of the Interior may receive an allotment under paragraph (1) only after submitting to the Secretary of Education an application that—

"(A) meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities), 613, and 614(a);

"(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

"(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures required under subparagraph (A);

"(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618(b)(1), including data on the number of children and youth with disabilities served and the types and amounts of services provided and needed and this information shall be included in the annual report of the Secretary of Education to Congress required in section 618(g);

"(E) includes an assurance that, by October 1, 1992, the Secretaries of the Interior and Health and Human Services will enter into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations. Such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical/personal supplies as needed for a child to remain in school or a program; and

"(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this Act, and will fulfill its duties under this Act.

Section 616(a) shall apply to any such application.

“(4)(A) Beginning with funds appropriated under section 611(a) for fiscal year 1992, the Secretary shall, subject to this paragraph, make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortiums of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3-5, inclusive, on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be .25 percent of the aggregate amounts available for all States under this section for that fiscal year.

“(B) The Secretary of the Interior shall distribute the total amount of the .25 percent under subparagraph (A) in the following manner:

“(i) For the first fiscal year, each tribe or tribal organization shall receive an amount proportionate to the amount of weighted student units for special education programs for BIA operated or funded schools serving such reservation generated under the formula established under section 1128 of the Education Amendments of 1978, divided by the total number of such students in all BIA operated or funded schools.

“(ii) For each fiscal year thereafter, each tribe or tribal organization shall receive an amount based on the number of children with disabilities, ages 3-5, inclusive, residing on reservations as reported annually divided by the total of such children served by all tribes or tribal organizations.

“(C) To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

“(D) The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3-5, inclusive, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private non-profit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

“(E) To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall make a biennial report to the Secretary of the Interior of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

“(F) The Secretary of the Interior shall offer and, on request, provide technical assistance (especially in the areas of child find,

Reports.

diagnosis, and referral) to State and local educational agencies (where appropriate, intermediate educational units), and tribes and tribal organizations. Such assistance may be provided through its divisions and offices at the national and local level.

“(G) None of the funds allocated under this paragraph can be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

“(5) Before January 1, 1992, the Secretary of the Interior shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing such a plan, the Secretary of the Interior shall consult with all interested and involved parties. It shall be based upon the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. Such plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, children, and youth with disabilities, to tribes, and to other interested parties.

Establishment.

“(6) To meet the requirements of sections 613(a)(12) of this Act, the Secretary of the Interior shall establish, within 6 months of the date of the enactment of the Individuals with Disabilities Education Act Amendments of 1991, under the Bureau of Indian Affairs (BIA), an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

“(A) assist in the coordination of services within BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, children, and youth with disabilities;

“(B) advise and assist the Secretary of the Interior in the performance of the Secretary’s responsibilities described in this subsection;

“(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

“(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, children, and youth with disabilities; and

“(E) provide assistance in the preparation of information required under paragraph (3)(D).”

SEC. 5. STATE PLAN.

Section 613(a) (20 U.S.C. 1413(a)) is amended—

(1) in paragraph (3), in the matter preceding subparagraph (A), by striking “this Act,” and inserting the following: “this Act and with the comprehensive system of personnel development described in section 676(b)(8),”; and

(2)(A) in paragraph (13)(B), by striking “and” at the end;

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and “and”; and

(C) by adding at the end the following new paragraph:

“(15) set forth policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under part H who will participate in preschool programs assisted under this part, including a method of ensuring that when a child turns age three an individualized education program, or, if consistent with sections 614(a)(5) and 677(d), an individualized family service plan, has been developed and is being implemented by such child’s third birthday.”.

SEC. 6. APPLICATION.

Section 614(a)(5) (20 U.S.C. 1414(a)(5)) is amended by inserting after “disability” the following: “(or, if consistent with State policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, an individualized family service plan described in section 677(d) for each child with a disability aged 3 to 5, inclusive)”.

SEC. 7. PRESCHOOL GRANTS.

Section 619 (20 U.S.C. 1419) is amended—

(1) in the heading for the section, by striking “PRE-SCHOOL” and inserting “PRESCHOOL”;

(2) in subsection (b)—

(A) in paragraph (1)(B), by inserting before the period the following: “, and for any two-year-old children provided services by the State under subsection (c)(2)(B)(iii) or by a local educational agency or intermediate educational unit under subsection (f)(2)”; and

(B) in paragraph (3), by striking “\$1,000” and inserting “\$1,500”;

(3) in subsection (c)(2), by amending subparagraph (B) to read as follows:

“(B) use not more than 20 percent of such grant—

“(i) for planning and development of a comprehensive delivery system,

“(ii) for direct and support services for children with disabilities, aged 3 to 5, inclusive, and

“(iii) at the State’s discretion, to provide a free appropriate public education, in accordance with this Act, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H, and”;

(4) in subsection (f), by amending the subsection to read as follows:

“(f) Each local educational agency or intermediate educational unit receiving funds under this section—

“(1) shall use such funds to provide special education and related services to children with disabilities aged 3 to 5, inclusive, and

“(2) may, if consistent with State policy, use such funds to provide a free appropriate public education, in accordance with this part, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H.”; and

(5) by adding at the end thereof the following new subsection:
“(g) Part H of this Act does not apply to any child with disabilities receiving a free appropriate public education, in accordance with this part, with funds received under this section.”.

SEC. 8. EARLY EDUCATION FOR CHILDREN WITH DISABILITIES.

(a) **AMENDMENTS TO SUBSECTION (a)(1).**—Section 623(a)(1) (20 U.S.C. 1423(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting after “children with disabilities” the following: “, including individuals who are at risk of having substantial developmental delays if early intervention services are not provided.”; and
(2)(A) by moving each of subparagraphs (F) through (I) 2 ems to the left;

(B) by striking “and” at the end of subparagraph (H);

(C) by redesignating subparagraph (I) as subparagraph (K); and

(D) by inserting after subparagraph (H) the following new subparagraphs:

“(I) facilitate and improve outreach to low-income, minority, rural, and other underserved populations eligible for assistance under parts B and H,

“(J) support statewide projects in conjunction with a State’s application under part H and a State’s plan under part B, to change the delivery of early intervention services to infants and toddlers with disabilities, and to change the delivery of special education and related services to preschool children with disabilities, from segregated to integrated environments, and”.

(b) **NEW SUBSECTION.**—

(1) **IN GENERAL.**—Section 623 (20 U.S.C. 1423) is amended—

(A) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(B) by inserting after subsection (a) the following new subsection:

Grants.

“(b) The Secretary shall fund up to 5 grants to States for 3 years for the purpose of establishing an inter-agency, multi-disciplinary, and coordinated statewide system for the identification, tracking, and referral to appropriate services for all categories of children who are biologically and/or environmentally at-risk of having developmental delays. To the extent feasible, such grants shall be geographically dispersed throughout the Nation in urban and rural areas. Each grantee must—

“(1) create a data system within the first year to document the numbers and types of at-risk children in the State and that develops linkages with all appropriate existing child data and tracking systems that assist in providing information;

“(2) coordinate activities with the child find component required under parts B and H of this Act;

“(3) demonstrate the involvement of the lead agency and the State interagency coordinating council under part H as well as the State educational agency under part B;

“(4) coordinate with other relevant prevention activities across appropriate service agencies, organizations, councils, and commissions;

“(5) define an appropriate service delivery system based on children with various types of at-risk factors;

“(6) document the need for additional services as well as barriers; and

“(7) disseminate findings and information in the manner prescribed in section 610(g).”

(2) CONFORMING AMENDMENT.—Section 623(f), as redesignated by paragraph (1) of this section, is amended by striking “(b) and (c)” and inserting “(c) and (d)”.

SEC. 9. GRANTS FOR PERSONNEL TRAINING.

(a) NEW SUBSECTION.—Section 631 (20 U.S.C. 1431) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c)(1) The Secretary shall fund up to 5 grants to States or entities to support the formation of consortia or partnerships of public and private entities for the purpose of providing opportunities for career advancement and/or competency-based training, including but not limited to, certificate or degree granting programs in special education, related services, and early intervention for current workers at public and private agencies that provide services to infants, toddlers, children, and youth with disabilities. Recipients shall meet the requirements of section 610(g) for the dissemination of information. The purposes for which such a grant may be expended include, but are not limited to, the following:

“(A) Establishing a program with colleges and universities to develop creative new programs and coursework options and/or to expand existing programs in the field of special education, related services, or early intervention. Funds may be used to provide release time for faculty and staff for curriculum development, instructional costs, and modest start-up and other program development costs.

“(B) Establishing a career development mentoring program using faculty and professional staff members of participating agencies as role models, career sponsors, and academic advisors for experienced State, city, county, and voluntary sector workers who have demonstrated a commitment to working in the above fields and who are enrolled in higher education institution programs relating to these fields.

“(C) Supporting a wide range of programmatic and research activities aimed at increasing opportunities for career advancement and competency-based training in the above fields.

“(D) Identifying existing public and private agency and labor union personnel policies and benefit programs that may facilitate the ability of workers to take advantage of higher education opportunities such as leave time, tuition reimbursement, etc.

“(2) To the extent feasible, projects authorized under paragraph (1) shall be geographically dispersed throughout the Nation in urban and rural areas.

Contracts.

“(3) The Secretary shall award, for the purpose of providing technical assistance to States or entities receiving grants under paragraph (1), a cooperative agreement through a separate competition to an entity that has successfully demonstrated the capacity and expertise in the education, training, and retention of workers to serve children and youth with disabilities through the use of consortia or partnerships established for the purpose of retaining the existing workforce and providing opportunities for career enhancement.

“(4) The Secretary may conduct an evaluation of projects funded under this subsection.

“(5) During the period in which an entity is receiving financial assistance under paragraph (1) or (3), the entity may not receive financial assistance under the other paragraph.”.

(b) AMENDMENTS TO FORMER SUBSECTION (c).—

(1) PRIORITY TO PARENTS OF INFANTS, TODDLERS, AND YOUNG CHILDREN IN EXPENDITURE OF CERTAIN FUNDS.—Section 631(d), as redesignated by subsection (a) of this section, is amended—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

“(10)(A) In the case of a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the organization, in expending the amounts described in subparagraph (B), shall give priority to providing services under this subsection to parents of children with disabilities aged 0-5.

“(B) With respect to a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the amounts described in this subparagraph are any amounts provided in the grant in excess of the amount of any grant under such paragraph provided to the organization for fiscal year 1992.”.

(2) APPLICABILITY OF CERTAIN PROVISIONS REGARDING SERVICE TO MINORITY PARENTS; MANNER OF COMPLIANCE WITH PROVISIONS.—Section 631(d), as redesignated by subsection (a) of this section, is amended in paragraph (4)(C)—

(A) by inserting after “disabilities” the following: “(including parents served pursuant to paragraph (10))”; and

(B) by inserting before the comma the following: “by requiring that applicants for the grants identify with specificity the special efforts that will be undertaken to involve such parents, including efforts to work with community-based and cultural organizations and the specification of supplementary aids, services, and supports that will be made available, and by specifying budgetary items earmarked to accomplish this subparagraph”.

(3) REPORTS.—Section 631, as amended by subsections (a)(1) and (b)(1)(A) of this subsection, is amended in subsection (d)(11)—

(A) in subparagraph (E), by striking “and” at the end;

(B) in subparagraph (F), by striking the period at the end and inserting “, and”; and

(C) by inserting after subparagraph (F) the following new subparagraph:

“(G) the number of parents served under this subsection who are parents of children with disabilities aged 0-5.”.

(c) CONFORMING AMENDMENTS.—Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) is amended—

- (1) in section 634(a)(3), by striking “631(c)(9)” and inserting “631(d)(11)”; and 20 USC 1434.
- (2) in section 635(a)— 20 USC 1435.
 - (A) in paragraph (1), by striking “631(c)” and inserting “631(d)”; and
 - (B) in paragraph (3), by striking “631(c)” and inserting “631(d)”.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS FOR PART D.

Section 635(a)(3) (20 U.S.C. 1435(a)(3)) is amended—

- (1) by striking “\$12,100,000” and inserting “\$15,100,000”;
- (2) by striking “\$13,300,000” and inserting “\$16,300,000”; and
- (3) by striking “\$14,600,000” and inserting “\$17,600,000”.

SEC. 11. FINDINGS FOR PART H.

Section 671(a) (20 U.S.C. 1471(a)) is amended—

- (1) in paragraph (3), by striking “and” at the end;
- (2) in paragraph (4), by striking the period at the end and inserting “, and”; and
- (3) by adding at the end the following new paragraph:
 - “(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.”.

SEC. 12. DEFINITIONS FOR PART H.

(a) INFANTS AND TODDLERS WITH DISABILITIES.—Section 672(1)(A) (20 U.S.C. 1472(1)(A)) is amended by striking “language and speech development, psychosocial development, or self-help skills,” and inserting the following: “language and speech development (hereafter in this part referred to as ‘communication development’), psychosocial development (hereafter in this part referred to as ‘social or emotional development’), or self-help skills (hereafter in this part referred to as ‘adaptive development’),”.

(b) EARLY INTERVENTION SERVICES.—Section 672(2) (20 U.S.C. 1472(2)) is amended—

- (1) in subparagraph (C)—
 - (A) in clause (iii), by striking “language and speech” and inserting “communication”;
 - (B) in clause (iv), by striking “psychosocial” and inserting “social or emotional”; and
 - (C) in clause (v), by striking “self-help skills” and inserting “adaptive development”;
- (2) in subparagraph (E)—
 - (A) in clause (vii), by striking “case management services,” and inserting “case management services (hereafter in this part referred to as ‘service coordination services’),”; and
 - (B)(i) by striking “and” at the end of clause (x); and
 - (ii) by inserting after clause (xi) the following new clauses:
 - “(xii) vision services,
 - “(xiii) assistive technology devices and assistive technology services, and

- “(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant’s or toddler’s family to receive early intervention services,”;
- (3) in subparagraph (F)—
- (A) by striking “and” at the end of clause (vii);
- (B) by striking “and” at the end of clause (viii); and
- (C) by inserting after clause (viii) the following new clauses:
- “(ix) family therapists,
- “(x) orientation and mobility specialists, and
- “(xi) pediatricians and other physicians,”; and
- (4)(A) by redesignating subparagraph (G) as subparagraph (H);
- and
- (B) by inserting after subparagraph (F) the following new subparagraph:
- “(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate, and”.

SEC. 13. REQUIREMENTS FOR STATEWIDE SYSTEM.

Section 676(b) (20 U.S.C. 1476(b)) is amended—

- (1) in paragraph (4), by striking “case management” and inserting “service coordination”;
- (2) in paragraph (8), by amending the paragraph to read as follows:
- “(8) a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State, that is consistent with the comprehensive system of personnel development described in section 613(a)(3) and that may include—
- “(A) implementing innovative strategies and activities for the recruitment and retention of early intervention service providers,
- “(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part,
- “(C) training personnel to work in rural areas, and
- “(D) training personnel to coordinate transition services for infants and toddlers with disabilities from an early intervention program under this part to a preschool program under section 619 of part B.”; and
- (3) in paragraph (9)—
- (A) by amending subparagraph (A) to read as follows:
- “(A) the general administration and supervision of programs and activities receiving assistance under section 673, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 673, to ensure that the State complies with this part,”; and
- (B) in subparagraph (C)—
- (i) by inserting “in accordance with section 678(a)(2)” after “responsibility”; and
- (ii) by striking “agency” and inserting “agencies”.

SEC. 14. INDIVIDUALIZED FAMILY SERVICE PLAN.

Section 677 (20 U.S.C. 1477) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking paragraph (1); and

(C) by inserting before paragraph (3) (as so redesignated) the following new paragraphs:

“(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs,

“(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family’s capacity to meet the developmental needs of their infant or toddler with a disability, and”;

(2) in subsection (d)—

(A) in paragraph (1), by striking “language and speech development, psychosocial development, and self-help skills,” and inserting “communication development, social or emotional development, and adaptive development,”;

(B) in paragraph (2), by striking “strengths and needs” and inserting “resources, priorities, and concerns”;

(C)(i) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(ii) by inserting after paragraph (4) the following new paragraph:

“(5) a statement of the natural environments in which early intervention services shall appropriately be provided,”; and

(D) in paragraph (7) (as redesignated by subparagraph

(C)(i) of this paragraph)—

(i) by inserting after “manager” the following: “(hereafter in this part referred to as the ‘service coordinator’); and

(ii) by inserting after “needs” the following: “(or who is otherwise qualified to carry out all applicable responsibilities under this part”); and

(3) by adding at the end thereof the following new subsection:

“(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents or guardian and informed written consent from such parents or guardian shall be obtained prior to the provision of early intervention services described in such plan. If such parents or guardian do not provide such consent with respect to a particular early intervention service, then the early intervention services to which such consent is obtained shall be provided.”.

SEC. 15. STATE APPLICATION AND ASSURANCES.

Section 678 (20 U.S.C. 1478) is amended—

(1) in subsection (a)—

(A)(i) by redesignating paragraph (7) as paragraph (9);

(ii) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(iii) by inserting after paragraph (1) the following new paragraph:

“(2) a designation by the State of an individual or entity responsible for assigning financial responsibility among appropriate agencies,”; and

(B)(i) by striking “and” at the end of paragraph (7) (as redesignated by subparagraph (A)(ii) of this paragraph); and
 (ii) by inserting after paragraph (7) (as so redesignated) the following new paragraph:

“(8) a description of the policies and procedures used to ensure a smooth transition for individuals participating in the early intervention program under this part who are eligible for participation in preschool programs under part B, including a description of how the families will be included in the transitional plans and how the lead agency under this part will notify the appropriate local educational agency or intermediate educational unit in which the child resides and convene, with the approval of the family, a conference between the lead agency, the family, and such agency or unit at least 90 days before such child is eligible for the preschool program under part B in accordance with State law, and to review the child’s program options, for the period commencing on the day a child turns 3 running through the remainder of the school year, and to establish a transition plan, and”;

(2) in subsection (b)—

(A) by striking “and” at the end of paragraph (6);

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph:

“(7) beginning in fiscal year 1992, provide satisfactory assurance that policies and practices have been adopted to ensure meaningful involvement of traditionally underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part and to ensure that such families have access to culturally competent services within their local areas, and”.

SEC. 16. USE OF FUNDS.

Section 679 (20 U.S.C. 1479) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “, and”;

(3) by adding at the end thereof the following new paragraph:

“(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year.”.

SEC. 17. PROCEDURAL SAFEGUARDS.

Section 680 (20 U.S.C. 1480) is amended—

(1) in paragraph (2), by inserting before the period the following: “, including the right of parents or guardians to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law”;

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph:

“(3) The right of the parents or guardian to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part.”; and

(4) in paragraph (7) (as so redesignated), by striking “(5)” and inserting “(6)”.

SEC. 18. STATE INTERAGENCY COORDINATING COUNCIL.

Section 682 (20 U.S.C. 1482) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “15 members” and inserting “at least 15 members but not more than 25 members, unless the State provides sufficient justification for a greater number of members in the application submitted pursuant to section 678”;

(B) in paragraph (2), in the first sentence, by striking “and the chairperson of the Council”; and

(C) by adding at the end thereof the following new paragraph:

“(3) The Governor shall designate a member of the Council to serve as the chairperson of the Council, or shall require the Council to so designate such a member. Any member of the Council who is a representative of the lead agency designated under section 676(b)(9) may not serve as the chairperson of the Council.”;

(2) in subsection (b), by amending the subsection to read as follows:

“(b) COMPOSITION.—(1) The Council shall be composed as follows:

“(A) At least 20 percent of the members shall be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

“(B) At least 20 percent of the members shall be public or private providers of early intervention services.

“(C) At least one member shall be from the State legislature.

“(D) At least one member shall be involved in personnel preparation.

“(E) At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

“(F) At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

“(G) At least one member shall be from the agency responsible for the State governance of insurance, especially in the area of health insurance.

“(2) The Council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA operated or funded school, from the Indian Health Service or the tribe/tribal council.”;

(3) in subsection (d), by striking “to hire staff, and obtain” and inserting the following: “to conduct hearings and forums, to reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives), to

pay compensation to a member of the Council if such member is not employed or must forfeit wages from other employment when performing official Council business, to hire staff, and to obtain"; and

(4) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (D), respectively;

(B) by inserting "(1)" before "The Council shall—";

(C)(i) by striking "and" at the end of subparagraph (B) (as so redesignated); and

(ii) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under part B, to the extent such services are appropriate, and"; and

(D) by adding at the end thereof the following new paragraph:

"(2) The Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to 5, inclusive."

SEC. 19. ALLOCATION OF FUNDS.

(a) AMENDMENTS TO SUBSECTION (b).—

(1) IN GENERAL.—Section 684(b) (20 U.S.C. 1484(b)) is amended to read as follows:

Indians.

"(b)(1) The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortium of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for that fiscal year.

"(2) The Secretary of the Interior shall distribute the total amount of the 1.25 percent under paragraph (1) in the following manner:

"(A) For the first fiscal year, each tribe or tribal organization shall receive an amount proportionate to the amount of weighted student units for special education programs for BIA operated or funded schools serving such reservation generated under the formula established under section 1128 of the Education Amendments of 1978, divided by the total number of such students in all BIA operated or funded schools.

"(B) For each fiscal year thereafter, each tribe or tribal organization shall receive an amount based on the number of infants and toddlers residing on the reservation as determined annually divided by the total of such children served by all tribes or tribal organizations.

"(3) To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as are needed to determine the amounts to be allocated under paragraph (2).

"(4) The funds received by a tribe or tribal organization shall be used to assist States in child find, screening, and other procedures

for the early identification of Indian children aged 0-2, inclusive, and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe and tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

“(5) To be eligible to receive a grant pursuant to paragraph (2), the tribe or tribal organization shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(f)(3)(D) of this Act. The Secretary of Education may require any additional information from the Secretary of the Interior.

Reports.

“(6) None of the funds under this subsection can be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.”

(2) CONFORMING AMENDMENT.—Section 676 (20 U.S.C. 1476) is amended—

(A) in subsection (a), by inserting after “families” the following: “, including Indian infants and toddlers with disabilities on reservations,”; and

(B) in subsection (b)(2), by inserting after “State” the following: “, including Indian infants and toddlers with disabilities on reservations,”.

(b) AMENDMENTS TO SUBSECTION (c)(1).—Section 684(c)(1) (20 U.S.C. 1484(c)(1)) is amended—

(1) by striking “1991” and inserting “1994”; and

(2) by inserting “, or \$500,000, whichever is greater” before the period at the end.

(c) TECHNICAL AMENDMENTS REGARDING DIFFERENTIAL FUNDING.—

(1) IN GENERAL.—Section 675(e)(4) (20 U.S.C. 1475(e)(4)), as added by section 10 of Public Law 102-52 (105 Stat. 263), is amended—

(A) in subparagraph (B), by inserting “under this part” after “payment” the first place such term appears; and

(B) in subparagraph (C), by amending the subparagraph to read as follows:

“(C) MINIMUM PAYMENT FOR FISCAL YEAR 1991 OR 1992 FOR CERTAIN STATES.—Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment under this part of not less than \$500,000. For purposes of the preceding sentence, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”

(2) **CONFORMING AMENDMENT.**—Section 675(e)(6) (20 U.S.C. 1475(e)(6)), as added by section 10 of Public Law 102-52 (105 Stat. 263), is amended—

(A) in the matter preceding subparagraph (A), by inserting “, except as provided in paragraph (4)(C),” before “means”; and

(B) in subparagraph (A), by inserting “the Commonwealth of” before “Puerto Rico”.

SEC. 20. AUTHORIZATION OF APPROPRIATIONS FOR PART H.

Section 685 (20 U.S.C. 1485) is amended by striking “There are” and all that follows and inserting the following: “There are authorized to be appropriated to carry out this part \$220,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.”.

SEC. 21. FEDERAL INTERAGENCY COORDINATING COUNCIL.

Part H (20 U.S.C. 1471 et seq.), as amended by section 20, is amended—

20 USC 1485.

(1) by redesignating section 685 as section 686; and

(2) by inserting after section 684 the following new section:

“FEDERAL INTERAGENCY COORDINATING COUNCIL

20 USC 1484a.

“SEC. 685. (a) ESTABLISHMENT AND PURPOSE.—

“(1) IN GENERAL.—The Secretary shall establish a Federal Interagency Coordinating Council in order to—

“(A) minimize duplication of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families, and preschool services for children with disabilities, across Federal, State, and local agencies;

“(B) ensure the effective coordination of Federal early intervention and preschool programs and policies across Federal agencies;

“(C) coordinate the provision of Federal technical assistance and support activities to States;

“(D) identify gaps in Federal agency programs and services; and

“(E) identify barriers to Federal interagency cooperation.

“(2) APPOINTMENTS.—The council established under paragraph (1) (hereafter in this section referred to as the ‘Council’) and the chairperson of the Council shall be appointed by the Secretary in consultation with other appropriate Federal agencies. In making the appointments, the Secretary shall ensure that each member has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that such member represents.

“(b) COMPOSITION.—The Council shall be composed of—

“(1) a representative of the Office of Special Education Programs;

“(2) a representative of the National Institute on Disability and Rehabilitation Research;

“(3) a representative of the Maternal and Child Health Services Block Grant Program;

“(4) a representative of programs assisted under the Developmental Disabilities Assistance and Bill of Rights Act;

“(5) a representative of the Health Care Financing Administration;

“(6) a representative of the Division of Birth Defects and Developmental Disabilities of the Centers for Disease Control;

“(7) a representative of the Social Security Administration;

“(8) a representative of the Special Supplemental Food Program for Women, Infants and Children of the Department of Agriculture;

“(9) a representative of the National Institute of Mental Health;

“(10) a representative of the National Institute of Child Health and Human Development;

“(11) a representative of the Bureau of Indian Affairs of the Department of the Interior;

“(12) a representative of the Indian Health Service;

“(13) a representative of the Surgeon General;

“(14) a representative of the Department of Defense;

“(15) a representative of the Administration for Children and Families;

“(16) a representative of the Alcohol, Drug Abuse and Mental Health Administration;

“(17) a representative of the Pediatric Aids Health Care Demonstration Program in the Public Health Service;

“(18) at least 3 parents of children with disabilities age 12 or under, of whom at least one must have a child with a disability under the age of 6;

“(19) at least 2 representatives of State lead agencies for early intervention services to infants and toddlers, one of which must be a representative of a State educational agency and the other a representative of a noneducational agency;

“(20) other members representing appropriate agencies involved in the provision of, or payment for, early intervention services and special education and related services to infants and toddlers with disabilities and their families and preschool children with disabilities; and

“(21) other persons appointed by the Secretary.

“(c) MEETINGS.—The Council shall meet at least quarterly and in such places as the Council deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

“(d) FUNCTIONS OF THE COUNCIL.—The Council shall—

“(1) advise and assist the Secretary in the performance of the Secretary's responsibilities described in this part;

“(2) conduct policy analyses of Federal programs related to the provision of early intervention services and special educational and related services to infants and toddlers with disabilities and their families, and preschool children with disabilities, in order to determine areas of conflict, overlap, duplication, or inappropriate omission;

“(3) identify strategies to address issues described in paragraph (2);

“(4) develop and recommend joint policy memoranda concerning effective interagency collaboration, including modifications to regulations, and the elimination of barriers to interagency programs and activities;

“(5) coordinate technical assistance and disseminate information on best practices, effective program coordination strategies,

and recommendations for improved early intervention programming for infants and toddlers with disabilities and their families and preschool children with disabilities; and

“(6) facilitate activities in support of States’ interagency coordination efforts.

“(e) **CONFLICT OF INTEREST.**—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law.”.

20 USC 1484
note.

SEC. 22. STUDY.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of Education shall undertake a study to identify alternative formulae for allocating funds under part H of the Individuals with Disabilities Education Act.

(2) **CONTENTS.**—The study shall include an analysis of—

(A) the current formula, which uses census data;

(B) a formula that uses child count procedures comparable to procedures used in part B of the Individuals with Disabilities Education Act;

(C) a formula that uses estimates of children that States anticipate will be served each year with adjustments made in the subsequent year for over- and under-counting of children actually served;

(D) the effect of including or excluding “at risk” children in formulae using child count procedures; and

(E) formulae that use other alternatives or a combination of alternatives.

(b) **REPORT.**—The Secretary of Education shall transmit the study and a report on such study to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor by March 1, 1993.

SEC. 23. SECTION 6 SCHOOLS.

(a) **IN GENERAL.**—Section 6(a) of Public Law 81-874 (20 U.S.C. 241(a)) (relating to the program commonly known as Impact Aid) is amended by inserting after the third sentence thereof the following new sentence: “For purposes of providing such comparable education, all substantive rights, protections and procedural safeguards (including due process procedures), available to children with disabilities age 3 to 5, inclusive, under part B of the Individuals with Disabilities Education Act and to infants and toddlers under part H of such Act shall be applicable to such comparable education by academic year 1992-1993, and all substantive rights, protections and procedural safeguards (including due process procedures), available under part B of such Act shall be applicable to such comparable education for all other eligible children on the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991.”.

20 USC 241 note.

(b) **RULE OF CONSTRUCTION.**—With respect to comparable education for children with disabilities for purposes of section 6(a) of Public Law 81-874 (relating to the program commonly known as Impact Aid), the amendment made by subsection (a) may not be construed as diminishing the extent of substantive rights, protections and procedural safeguards available under such section 6(a) for children with disabilities before the date of the enactment of this Act.

SEC. 24. DEFENSE DEPENDENTS EDUCATION ACT OF 1978.

Section 1409(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 927(c)) is amended to read as follows:

“(c) APPLICABILITY OF CERTAIN PROVISIONS.—

“(1) CHILDREN WITH DISABILITIES.—Notwithstanding the provisions of section 1402(b)(3), the provisions of part B of the Individuals with Disabilities Education Act, other than the funding and reporting provisions, shall apply to all schools operated by the Department of Defense under this title, including the requirement that children with disabilities, aged 3 to 5, inclusive, receive a free appropriate public education by academic year 1993-1994.

“(2) INFANTS AND TODDLERS WITH DISABILITIES.—The responsibility to provide comparable early intervention services to infants and toddlers with disabilities and their families in accordance with individualized family service plans described in section 677 of the Individuals with Disabilities Education Act and to comply with the procedural safeguards set forth in part H of such Act shall apply with respect to all eligible dependents overseas.

“(3) IMPLEMENTATION TIMELINES.—In carrying out the provisions of paragraph (2), the Secretary shall—

“(A) in academic year 1991-1992 and the 2 succeeding academic years, plan and develop a comprehensive, coordinated, multidisciplinary program of early intervention services for infants and toddlers with disabilities among Department of Defense entities involved in the provision of such services to such individuals;

“(B) in academic year 1994-1995, implement the program described in subparagraph (A), except the Secretary need only conduct multidisciplinary assessments, develop individualized family service plans, and make available case management services; and

“(C) in academic year 1995-1996 and succeeding academic years, have in effect the program described in subparagraph (A).”.

SEC. 25. TECHNICAL AMENDMENTS TO INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) IN GENERAL.—The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended—

(1) in section 602(a) (as amended by section 3 of this Act)— 20 USC 1401.

(A) in paragraph (1)(A)(ii), by inserting a comma after “thereof”;

(B) in paragraph (17), by striking “and social work services, and medical and counseling services, including rehabilitation counseling,” and inserting “, social work services, counseling services, including rehabilitation counseling, and medical services,”; and

(C) in paragraph (22), by striking “section 703(a)(2)” and inserting “section 7003(a)(2)”;

(2) in section 605(b), in the first sentence, by inserting a comma after “under this title”; 20 USC 1404.

(3) in the heading for part B, by striking “HANDICAPPED CHILDREN” and inserting in lieu thereof “CHILDREN WITH DISABILITIES”;

- 20 USC 1411. (4) in section 611(a)(1), in the matter preceding subparagraph (A), by striking “paragraph (3)” and inserting “paragraph (5)”;
- 20 USC 1412. (5) in section 612(3), by striking “first with respect to handicapped children” and inserting “first with respect to children with disabilities”;
- 20 USC 1413. (6) in section 613(a)—
 (A) in paragraph (2), by striking “and section 202(1) of the Carl D. Perkins Vocational Education Act”; and
 (B) in paragraph (9)(B), by striking “handicapped children” each place such term appears and inserting “children with disabilities”;
- 20 USC 1417. (7) in section 617(b), by striking “(and the Secretary, in carrying out the provisions of subsection (c))”;
- 20 USC 1422. (8) in section 622(a)(1), in the matter preceding subparagraph (A), by inserting a comma after “State educational agencies”;
- (9) in section 623(a)(1)(A), by striking “communication mode and” and inserting “communication mode”; and
- 20 USC 1424. (10) in section 624(a)(1), by striking “, including” and all that follows and inserting the following: “of such children and youth with disabilities, including their need for transportation to and from school,”;
- 20 USC 1425. (11) in section 626, by amending the heading for the section to read as follows:
 “SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR YOUTH WITH DISABILITIES”;
- 20 USC 1431. (12) in section 631—
 (A) in subsection (a)(1)(E), by striking “handicapped children” and inserting “children with disabilities”; and
 (B) in subsection (d)(5) (as redesignated by section 9(a)(1) of this Act), by amending subparagraph (D) to read as follows:
 “(D) participate in educational decisionmaking processes, including the development of the individualized education program for a child with a disability,”;
- 20 USC 1435. (13) in section 635, by striking subsection (c);
- 20 USC 1442. (14) in section 642, in the heading for the section, by striking “HANDICAPPED CHILDREN” and inserting “CHILDREN WITH DISABILITIES”;
- 20 USC 1461. (15) in section 661(b)(2), by striking “Public Law 100-407” and inserting “the Technology-Related Assistance for Individuals with Disabilities Act of 1988”;
- 20 USC 1471. (16) in section 671(b)(3), by striking “provided to handicapped infants, toddlers, and their families” and inserting “provided to infants and toddlers with disabilities and their families”;
- 20 USC 1476. (17) in section 676(b)—
 (A) in paragraph (4), by striking “handicapped infant and toddler” and inserting “infant and toddler with a disability”; and
 (B) in paragraph (6), by striking “as required under this paragraph”;
- 20 USC 1482. (18) in section 682(e)(1)(D) (as redesignated by section 18(4) of this Act), by striking “infants or toddlers” and inserting “infants and toddlers”; and
 (19) in section 611(e)(1) (as amended by section 802(d)(3) of Public Law 102-73 (105 Stat. 361)), by striking “(until the Com-

act of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658”.

(b) PUBLIC LAW 101-476.—Section 901(b) of the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476; 104 Stat. 1142) is amended in the matter preceding paragraph (1) by striking “Education for the Handicapped Act” and inserting “Individuals with Disabilities Education Act”.

SEC. 26. TECHNICAL AMENDMENTS TO OTHER ACTS.

(a) COMPREHENSIVE CHILD DEVELOPMENT ACT.—Section 670S(1) of the Comprehensive Child Development Act is amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 42 USC 9886.

(b) DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT.—Sections 122(b)(5)(C) and 124(b)(3) of the Developmental Disabilities Assistance and Bill of Rights Act are each amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 42 USC 6022, 6024.

(c) FOLLOW THROUGH ACT.—Section 663(b)(9) of the Follow Through Act is amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 42 USC 9862.

(d) HEAD START TRANSITION PROJECT ACT.—Sections 136(a)(4)(C) and 136(a)(10) of the Head Start Transition Project Act are each amended by striking “Education of the Handicapped Act of 1975” and inserting “Individuals with Disabilities Education Act”. 42 USC 9855d.

(e) REHABILITATION ACT OF 1973.—Sections 101(a)(11), 304(d)(2)(D), 311(c)(3), 634(b)(2)(A), 634(b)(3)(D), and 705(a)(4)(C) of the Rehabilitation Act of 1973 are each amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 29 USC 721, 774, 777a, 795m, 796d.

(f) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—Sections 5204(a)(3)(C), 5205(a)(3)(B), 5205(b)(2)(B), and 5205(b)(3)(A)(ii) of the Tribally Controlled Schools Act of 1988 are each amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 25 USC 2503, 2504.

(g) HEAD START ACT.—Section 640(d) of the Head Start Act is amended by striking “paragraph (1) of section 602 of the Education of the Handicapped Act” and inserting “section 602(a)(1) of the Individuals with Disabilities Education Act”. 42 USC 9835.

(h) HIGHER EDUCATION ACT OF 1965.—Section 465(a)(2) of the Higher Education Act of 1965 is amended by striking “section 602(1) of the Education of the Handicapped Act” and inserting “section 602(a)(1) of the Individuals with Disabilities Education Act”. 20 USC 1087ee.

(i) SOCIAL SECURITY ACT.—The Social Security Act is amended—
(1) in section 1903(c)— 42 USC 1396b.

(A) by striking “handicapped child” and inserting “child with a disability”;

(B) by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”;

and
(C) by striking “a handicapped infant or toddler” and inserting “an infant or toddler with a disability”; and

(2) in section 1915(c)(5)(C)(i), by striking “(as defined in section 602(16) and (17) of the Education of the Handicapped Act (20 U.S.C. 1401 (16), (17))” and inserting “(as defined in paragraphs (16) and (17) of section 602(a) of the Individuals with Disabilities Education Act)”. 42 USC 1396b.

20 USC 241 note. **SEC. 27. EFFECTIVE DATES AND APPLICABILITY.**

(a) **SECTIONS 8, 9, AND 10.**—The amendments made by sections 8, 9, and 10 shall take effect on October 1, 1991, or on the date of enactment of this Act, whichever is later.

(b) **SECTIONS 5, 12, 13, 14, 15, 17, AND 18.**—The amendments made by sections 5, 12, 13, 14, 15, 17, and 18 shall take effect July 1, 1992, except that each State shall have the option to have any of the amendments apply earlier than such date.

(c) **REMAINING PROVISIONS.**—The remaining sections of this Act and the amendments made by such sections shall take effect on the date of the enactment of this Act.

Approved October 7, 1991.

LEGISLATIVE HISTORY—S. 1106 (H.R. 3053):

HOUSE REPORTS: No. 102-198 accompanying H.R. 3053 (Comm. on Education and Labor).

SENATE REPORTS: No. 102-84 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 24, considered and passed Senate.

Sept. 11, H.R. 3053 considered and passed House; S. 1106, amended, passed in lieu.

Sept. 16, Senate concurred in House amendment.

Public Law 102-120
102d Congress

Joint Resolution

Designating October 1991 as "National Breast Cancer Awareness Month".

Oct. 7, 1991
[S.J. Res. 95]

- Whereas breast cancer will strike an estimated 175,000 women and 900 men in the United States in 1991;
- Whereas 1 out of every 9 women will develop breast cancer at some point in her life;
- Whereas the risk of developing breast cancer increases as a woman grows older;
- Whereas breast cancer is the second leading cause of cancer death in women, killing an estimated 44,000 women and 300 men in 1990;
- Whereas the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940s to over 90 percent today;
- Whereas most breast cancers are detected by the woman herself;
- Whereas educating both the public and health care providers about the importance of early detection will result in reducing breast cancer mortality;
- Whereas appropriate use of screening mammography, in conjunction with clinical examination and breast self-examination, can result in the detection of many breast cancers early in their development and increase the survival rate to nearly 100 percent;
- Whereas data from controlled trials clearly demonstrate that deaths from breast cancer are significantly reduced in women over the age of 40 by using mammography as a screening tool;
- Whereas many women are reluctant to have screening mammograms for a variety of reasons, such as the cost of testing, lack of information, and/or fear;
- Whereas access to screening mammography is directly related to socioeconomic status;
- Whereas increased awareness about the importance of screening mammography will result in the procedure being regularly requested by the patient and recommended by the health care provider; and
- Whereas it is projected that more women will use this lifesaving test as it becomes increasingly available and affordable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "National Breast Cancer Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.

Approved October 7, 1991.

LEGISLATIVE HISTORY—S.J. Res. 95:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 24, considered and passed House.

Public Law 102-121
102d Congress

Joint Resolution

Oct. 8, 1991

[S.J. Res. 78]

To designate the month of November 1991 and 1992 as "National Hospice Month".

Whereas hospice care has been demonstrated to be a humanitarian way for terminally ill patients to approach the end of their lives in comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity;

Whereas hospice advocates care for the patient and family by attending to their physical, emotional, and spiritual needs and specifically, the pain and grief they experience;

Whereas hospice care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and community volunteers trained in the hospice concept of care;

Whereas hospice is becoming a full partner in the Nation's health care system;

Whereas the enactment of a permanent medicare hospice benefit and an optional medicaid hospice benefit makes it possible for many more United States citizens to have the opportunity to elect to receive hospice care;

Whereas private insurance carriers and employers have recognized the value of hospice care by the inclusion of hospice benefits in health care coverage packages; and

Whereas there remains a great need to increase public awareness of the benefits of hospice care: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November in 1991 and 1992 is designated as "National Hospice Month". The President is authorized and requested to issue a proclamation calling upon all government agencies, the health care community, appropriate private organizations, and people of the United States to observe such months with appropriate forums, programs and activities designed to encourage national recognition of and support for hospice care as a humane response to the needs of the terminally ill and as a viable component of the health care system in the Nation.

Approved October 8, 1991.

LEGISLATIVE HISTORY—S.J. Res. 78:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 30, considered and passed House.

Public Law 102-122
102d Congress

Joint Resolution

Oct. 8, 1991
[S.J. Res. 156]

To designate the week of October 6, 1991, through October 12, 1991, as "Mental Illness Awareness Week".

- Whereas mental illness is a problem of grave concern and consequence in the United States, widely but unnecessarily feared and misunderstood;
- Whereas 31,000,000 to 41,000,000 United States citizens annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, school attendance, and independent living;
- Whereas more than 10,000,000 United States citizens are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;
- Whereas 33 percent of the homeless suffer serious, chronic forms of mental illness;
- Whereas alcohol, drug, and mental disorders affect almost 19 percent of adults in this country in any 6-month period;
- Whereas mental illness in at least 12,000,000 of our children interferes with vital developmental and maturational processes;
- Whereas mental disorder related deaths are estimated to be, at the very least, 33,000 annually, with suicide accounting for at least 29,000 of such deaths;
- Whereas our growing population of the elderly is particularly vulnerable to mental illness;
- Whereas estimates indicate that 10 percent of AIDS patients will develop dementia or other psychiatric problems as the first sign of such disease, and that as many as two-thirds of AIDS patients will show neuropsychiatric symptoms before they die;
- Whereas mental disorders result in staggering costs to society, estimated to be in excess of 249,000,000,000 dollars in direct treatment and support and indirect costs to society, including lost productivity;
- Whereas the Federal research budget committed to the Alcohol, Drug Abuse, and Mental Health Administration represents only about 1 percent of the direct clinical costs of caring for persons with alcohol, drug, and mental disorders;
- Whereas mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized;
- Whereas families of mentally ill persons and those persons themselves have begun to join selfhelp groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate an adequate continuum of care from hospital to community;
- Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders;

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced use of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period of October 6, 1991, through October 12, 1991, is designated as "Mental Illness Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved October 8, 1991.

LEGISLATIVE HISTORY—S.J. Res. 156:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Sept. 30, considered and passed House.

Public Law 102-123
102d Congress

Joint Resolution

Oct. 9, 1991
[S.J. Res. 172]

To authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month".

Whereas American Indians are the original inhabitants of the lands that now constitute the United States of America;

Whereas American Indian governments developed fundamental principles of freedom of speech and the separation of powers in government, and these principles form the foundation of our own government today;

Whereas American Indian societies exhibited a respect for the finiteness of natural resources through deep respect for the earth, and such values continue to be widely held today;

Whereas American Indian people have served with valor in all wars since the Revolutionary War to the War in the Persian Gulf, often in a percentage well above their percentage in the population of the Nation as a whole;

Whereas American Indians have made distinct and important contributions to America and the rest of the world in many fields including agriculture, medicine, music, language and art;

Whereas it is fitting that American Indians be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists and scholars;

Whereas the 500th anniversary of the arrival of Christopher Columbus to the Western Hemisphere is an especially appropriate time for all the people of the United States to study and reflect on the long history of the original inhabitants of this continent;

Whereas the Members of the Senate and the House of Representatives believe that a resolution and proclamation as requested in this resolution will encourage self-esteem, pride and self-awareness in American Indians young and old;

Whereas the month of November is the traditional harvest season of the American Indians and is generally a time of celebration and giving thanks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MONTH.

That each of the months of November 1991 and 1992 are designated as "National American Indian Heritage Month", and the

President is authorized and requested to issue a proclamation for each such year calling upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe each such month with appropriate programs, ceremonies, and activities.

Approved October 9, 1991.

LEGISLATIVE HISTORY—S.J. Res. 172:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 26, considered and passed Senate.
Sept. 30, considered and passed House.

Public Law 102-124
102d Congress

An Act

Oct. 9, 1991
[S. 1773]

To extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

25 USC 1301
note.

Section 8077(d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511), is amended by deleting "September 30, 1991" and inserting in lieu thereof "October 18, 1991".

Approved October 9, 1991.

LEGISLATIVE HISTORY—S. 1773:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Sept. 30, considered and passed Senate.

Oct. 3, considered and passed House, amended. Senate concurred in House amendments.

Public Law 102-125
102d Congress

Joint Resolution

Designating October 8, 1991, as "National Firefighters Day".

Oct. 10, 1991

[H.J. Res. 189]

Whereas there are over 2,000,000 professional firefighters in the United States;

Whereas firefighters respond to more than 2,300,000 fires and 8,700,000 emergencies other than fires each year;

Whereas fires annually cause nearly 6,000 deaths and \$10,000,000,000 in property damages;

Whereas firefighters have given their lives and risked injury to preserve the lives and protect the property of others;

Whereas the contributions and sacrifices of valiant firefighters often go unreported and are inadequately recognized by the public; and

Whereas the work of firefighters deserves the attention and gratitude of all individuals in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 8, 1991, is designated as "National Firefighters Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Approved October 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 189:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Oct. 2, considered and passed House.

Oct. 3, considered and passed Senate.

Public Law 102-126
102d Congress

Joint Resolution

Oct. 10, 1991

[H.J. Res. 305]

To designate the month of October 1991, as "Country Music Month".

Whereas country music derives its roots from the folk songs of our Nation's workers, captures the spirit of our religious hymns, reflects the sorrow and joy of our traditional ballads, and echoes the drive and soulfulness of rhythm and blues;

Whereas country music has played an integral part in our Nation's history, accompanying the growth of the United States and reflecting the ethnic and cultural diversity of our people;

Whereas country music embodies the spirit of America and the deep and genuine feelings individuals experience throughout their lives;

Whereas the distinctively American refrains of country music have been performed for audiences throughout the world, striking a chord deep within the hearts and souls of its fans; and

Whereas the month of October 1991 marks the twenty-seventh annual observance of Country Music Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1991, be designated as "Country Music Month" and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

Approved October 10, 1991.

LEGISLATIVE HISTORY—H.J. Res. 305:**CONGRESSIONAL RECORD**, Vol. 137 (1991):

Sept. 16, considered and passed House.

Oct. 1, considered and passed Senate.

Public Law 102-127
102d Congress

An Act

To amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes.

Oct. 10, 1991

[S. 868]

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 “Veterans’ Educational Assistance Amendments of 1991”.

Veterans’
Educational
Assistance
Amendments
of 1991.
38 USC 101
note.

SEC. 2. RESTORATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) CHAPTER 30 PROGRAM.—Section 3013 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in paragraph (2) shall not—

“(A) be charged against any entitlement of any individual under this chapter; or

“(B) be counted toward the aggregate period for which section 3695 of this title limits an individual’s receipt of assistance.

“(2) Subject to paragraph (3), the payment of the educational assistance allowance referred to in paragraph (1) is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

“(A) in the case of a person not serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10; or

“(B) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

“(C) failed to receive credit or lost training time toward completion of the individual’s approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A) or (B), his or her course pursuit.

“(3) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(C) of this subsection.”

(b) CHAPTER 32 PROGRAM.—(1) Section 3231(a) of such title is amended by adding at the end the following new paragraph:

“(5)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph—

“(i) shall not be charged against the entitlement of any eligible veteran under this chapter; and

“(ii) shall not be counted toward the aggregate period for which section 3695 of this title limits an individual’s receipt of assistance.

“(B) The payment of an educational assistance allowance referred to in subparagraph (A) of this paragraph is any payment of a monthly benefit under this chapter to an eligible veteran for pursuit of a course or courses under this chapter if the Secretary finds that the eligible veteran—

“(i) in the case of a person not serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10; or

“(ii) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered, in connection with such War, to a new duty location or assignment or to perform an increased amount of work; and

“(iii) failed to receive credit or training time toward completion of the individual’s approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) or (ii) of this subparagraph, his or her course pursuit.

“(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(iii) of this paragraph.

“(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

“(E) In the case of a veteran who discontinues pursuit of a course or courses as described in subparagraph (B) of this paragraph, the formula for ascertaining the amount of the monthly payment to which the veteran is entitled in paragraph (2) of this subsection shall be implemented as if—

“(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph, and

“(ii) any payment for a course or courses described in subparagraph (B) of this paragraph that was paid out of the fund, had not been made or paid.”

(2) Section 3231(a)(2) of such title is amended by inserting “in paragraph (5)(E) of this subsection and” after “Except as provided”.

(c) CHAPTER 35 PROGRAM.—Section 3511(a) of such title is amended—

(1) by striking out “Each” and inserting in lieu thereof “(1) Each”; and

(2) by adding at the end the following new paragraph:

“(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

“(i) be charged against the entitlement of any individual under this chapter; or

“(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

“(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

“(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10; and

“(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

“(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.”

(d) **SELECTED RESERVE PROGRAM.**—Section 2131(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) Notwithstanding any other provision of this chapter or chapter 36 of title 38, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

“(i) be charged against the entitlement of any individual under this chapter; or

“(ii) be counted toward the aggregate period for which section 3695 of title 38 limits an individual's receipt of assistance.

“(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this chapter if the Secretary of Veterans Affairs finds that the individual—

“(i) had to discontinue such course pursuit as a result of being ordered, in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, or 673b of this title; and

“(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

“(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695

of title 38 shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.”.

SEC. 3. DELIMITING DATE.

Section 2133(b) of title 10, United States Code, is amended by adding at the end the following:

“(4)(A) In the case of a member of the Selected Reserve of the Ready Reserve who, during the Persian Gulf War, serves on active duty pursuant to an order to active duty issued under section 672 (a), (d), or (g), 673, or 673b of this title—

“(i) the period of such active duty service plus four months shall not be considered in determining the expiration date applicable to such member under subsection (a); and

“(ii) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

“(B) For the purposes of this paragraph, the term ‘Persian Gulf War’ shall have the meaning given such term in section 101(33) of title 38.”.

SEC. 4. CLARIFICATION OF ELIGIBILITY FOR EMPLOYMENT AND TRAINING ASSISTANCE.

Section 4214(b)(2)(A)(i) of title 38, United States Code, is amended by striking out “has a service-connected disability” and inserting in lieu thereof “is entitled to disability compensation under the laws administered by the Secretary or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.”.

SEC. 5. ELIGIBILITY OF MEMBERS OF A RESERVE COMPONENT FOR EMPLOYMENT AND TRAINING ASSISTANCE.

Section 4211(4) of title 38, United States Code, is amended to read as follows:

“(4) The term ‘eligible veteran’ means a person who—

“(A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge;

“(B) was discharged or released from active duty because of a service-connected disability; or

“(C) as a member of a reserve component under an order to active duty pursuant to section 672 (a), (d), or (g), 673, or 673b of title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge.”.

SEC. 6. IMPROVEMENT IN PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVISTS CALLED TO ACTIVE DUTY.

(a) **IN GENERAL.**—Clause (3) of section 3680(a) of title 38, United States Code, is amended to read as follows—

“(3) to any eligible veteran or person for a course for which the grade assigned is not used in computing the requirements for graduation including a course from which the student withdraws unless—

“(A) the eligible veteran or person withdraws because he or she is ordered to active duty; or

“(B) the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal (without regard to withdrawals described in subclause (A) of this clause) by the eligible veteran or person from a course or courses with respect to which the veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof; or”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as of August 1, 1990. 38 USC 3680 note.

Approved October 10, 1991.

LEGISLATIVE HISTORY—S. 868:

SENATE REPORTS: No. 102-124 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Aug. 2, considered and passed Senate.
Sept. 16, considered and passed House.

Public Law 102-128
102d Congress

Joint Resolution

Oct. 10, 1991
[S.J. Res. 132]

To designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week".

Whereas exposure to radon poses a serious threat to the health of the people of this Nation;

Whereas the Environmental Protection Agency estimates that lung cancer attributable to radon exposure causes approximately 20,000 deaths a year in the United States;

Whereas the United States has set a long-term national goal of making the air inside buildings as free of radon as the ambient air;

Whereas excessively high levels of radon in homes and schools can be reduced successfully and economically with appropriate treatment;

Whereas only about 2 percent of the homes in this Nation have been tested for radon levels;

Whereas the people of this Nation should be educated about the dangers of exposure to radon; and

Whereas people should be encouraged to conduct tests for radon in their homes and schools and to make the repairs required to reduce excessive radon levels: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 13, 1991, through October 19, 1991, is designated as "National Radon Action Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Approved October 10, 1991.

LEGISLATIVE HISTORY—S.J. Res. 132:

CONGRESSIONAL RECORD, Vol. 137 (1991):
June 26, considered and passed Senate.
Oct. 2, considered and passed House.

Public Law 102-129
102d Congress

An Act

To designate the building located at 6600 Lorain Avenue in Cleveland, Ohio, as the
“Patrick J. Patton United States Post Office Building”.

Oct. 15, 1991
[H.R. 2935]

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. DESIGNATION.

The building located at 6600 Lorain Avenue in Cleveland, Ohio, is designated as the “Patrick J. Patton United States Post Office Building”.

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the building referred to in section 1 is deemed to be a reference to the “Patrick J. Patton United States Post Office Building”.

Approved October 15, 1991.

LEGISLATIVE HISTORY—H.R. 2935:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 30, considered and passed House and Senate.

Public Law 102-130
102d Congress

An Act

Oct. 17, 1991
[H.R. 2387]

To authorize appropriations for certain programs for the conservation of striped bass, and for other purposes.

Striped Bass Act
of 1991.
16 USC 757a
note.

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 "Striped Bass Act of 1991".

SEC. 2. ATLANTIC STRIPED BASS CONSERVATION ACT ENFORCEMENT, REAUTHORIZATION, AND EXTENSION.

(a) **ENFORCEMENT OF MORATORIUM ON ATLANTIC STRIPED BASS FISHING.**—Section 5(e) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) in the first sentence by inserting "(1)" before "The Secretaries"; and

(2) by adding at the end the following new paragraphs:

"(2) **ENFORCEMENT AUTHORITY.**—A person authorized by the Secretaries may take any action to enforce a moratorium declared under section 4(b) that an officer authorized by the Secretary under section 311(b) of the Magnuson Fishery Conservation and Management Act may take to enforce that Act.

"(3) **REGULATIONS.**—The Secretaries may issue regulations to implement this subsection."

(b) **AUTHORIZATION OF APPROPRIATIONS; COOPERATIVE AGREEMENTS.**—Section 7 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) by inserting before "For each" the following: "(a) **AUTHORIZATION.**—";

(2) by striking "and 1991," and inserting "1991, 1992, 1993, and 1994,";

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

"(b) **COOPERATIVE AGREEMENTS.**—The Secretaries may enter into cooperative agreements with the Atlantic States Marine Fisheries Commission for the purpose of using amounts appropriated pursuant to this section to provide financial assistance to the Commission for carrying out its functions under this Act."; and

(4) in the heading for the section by inserting before the period at the end the following: "; **COOPERATIVE AGREEMENTS**".

(c) **EXTENSION OF EFFECTIVE PERIOD.**—Section 9 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking "1991." and inserting "1994."

SEC. 3. REAUTHORIZATION OF STRIPED BASS STUDIES UNDER ANADROMOUS FISH CONSERVATION ACT.

(a) **CONDUCT AND SCOPE OF STUDIES.**—Section 7(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(a)) is amended to read as follows:

“(a) CONDUCT AND SCOPE OF STUDIES.—The Secretary shall cooperate with States and other non-Federal interests in conducting scientific studies of the anadromous stocks of Atlantic striped bass. These studies shall include, but not be limited to—

“(1) estimates of recruitment, spawning potential, mortality rates, stock composition of coastal fisheries, and other population parameters;

“(2) investigations of factors affecting abundance of striped bass, including analyses of the extent and causes of mortality at successive life stages; and

“(3) monitoring population abundance and age and sex composition of striped bass stocks on fishery-dependent and fishery-independent data.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended—

(1) by striking “1988, 1989, 1990, and 1991.” and inserting “1991, 1992, 1993, and 1994.”; and

(2) by striking the third sentence.

SEC. 4. FISHERY MANAGEMENT PLAN ON STRIPED BASS.

Section 6 of the Act entitled “An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes”, approved November 3, 1988 (Public Law 100-589), is amended—

(1) by striking subsection (c);

(2) in subsection (d) by striking “or (c)”; and

(3) by striking subsection (f).

16 USC 1851
note.

Approved October 17, 1991.

LEGISLATIVE HISTORY—H.R. 2387:

HOUSE REPORTS: No. 102-144 (Comm. on Merchant Marine and Fisheries).

SENATE REPORTS: No. 102-145 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 137 (1991):

July 9, considered and passed House.

Oct. 2, considered and passed Senate.

Public Law 102-131
102d Congress

Joint Resolution

Oct. 17, 1991
[H.J. Res. 303]

To designate October 1991 as "Crime Prevention Month".

- Whereas crime prevention improves the quality of life in every community;
- Whereas crime prevention is a cost-effective answer to the problems caused by crime, drug abuse, and fear of crime;
- Whereas crime prevention is central to a sound criminal justice system at national, State, and local levels;
- Whereas more than 27,000,000 people in the United States are actively engaged in helping their communities to prevent the commission of crimes against persons and property;
- Whereas millions of citizens have demonstrated that, by working together, they can reduce crime, drug abuse, and fear of crime;
- Whereas all people of the United States, from preschoolers to senior citizens, can help themselves, their families, and their neighborhoods to prevent crime and to build safer and more caring environments;
- Whereas an important challenge facing all people and groups in the United States (including individuals, State and local agencies, civic and community groups, religious institutions, schools, businesses, and law enforcement agencies) is to weave methods into daily life that prevent crime and become part of society's norms;
- Whereas it is important to annually honor persons who work throughout society to prevent crime and to build and sustain the Nation's communities; and
- Whereas the National Citizens Crime Prevention Campaign (featuring McGruff the Crime Dog and promoted by the Department of Justice, the National Crime Prevention Council, the Advertising Council, and the Crime Prevention Coalition) promotes diverse partnerships among law enforcement agencies, citizens, businesses, and government to reduce crime and to improve community life throughout the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "Crime Prevention Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

Approved October 17, 1991.

LEGISLATIVE HISTORY—H.J. Res. 303:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 24, considered and passed House.
Oct. 4, considered and passed Senate.

Public Law 102-132
102d Congress

An Act

Oct. 18, 1991
[H.R. 3259]

To authorize appropriations for drug abuse education and prevention programs relating to youth gangs and to runaway and homeless youth; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.

(a) **ELIGIBLE ENTITIES.**—Section 3501 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801) is amended by inserting “(including agencies described in paragraph (7)(A) acting jointly)” after “agencies” the first place it appears.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11805) is amended by striking “\$15,000,000” and all that follows through “1991”, and inserting “\$16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994”.

(c) **ANNUAL REPORT.**—Chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801-11805) is amended by adding at the end the following:

42 USC 11806.

“SEC. 3506. ANNUAL REPORT.

“Not later than 180 days after the end of each fiscal year, the Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report describing—

“(1) the types of projects and activities for which grants and contracts were made under this chapter for such fiscal year,

“(2) the number and characteristics of the youth and families served by such projects and activities, and

“(3) each of such projects and activities the Secretary considers to be exemplary.”.

(d) **TECHNICAL AMENDMENT.**—The table of contents in title III of the Anti-Drug Abuse Act of 1988 is amended by inserting after the item relating to section 3505 the following:

“Sec. 3506. Annual report.”.

SEC. 2. PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.

Section 3513 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11823) is amended to read as follows:

"SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this chapter, there are authorized to be appropriated \$16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994."

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on October 1, 1991.

Approved October 18, 1991.

42 USC 11801
note.

LEGISLATIVE HISTORY—H.R. 3259:

HOUSE REPORTS: No. 102-222 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 137 (1991):
Sept. 30, considered and passed House.
Oct. 2, considered and passed Senate.

Public Law 102-133
102d Congress

Joint Resolution

Oct. 18, 1991
[S.J. Res. 107]

To designate October 15, 1991, as "National Law Enforcement Memorial Dedication Day"

Whereas each day over 500,000 law enforcement officers place their lives at risk in order to maintain law and order in society and apprehend people who violate Federal, State, and local laws; Whereas over the last 10 years over 1,500 law enforcement officers have been killed in the line of duty;

Whereas in 1989, 148 law enforcement officers were killed in the line of duty and preliminary figures for 1990 indicate that 119 law enforcement officers were killed;

Whereas over 60,000 law enforcement officers are assaulted in the line of duty each year, resulting in over 20,000 injuries; and Whereas the National Law Enforcement Officers Memorial was established by an Act of Congress in 1984, and the memorial is scheduled for completion at Judiciary Square in Washington, District of Columbia in October 1991: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 15, 1991, is designated as "National Law Enforcement Memorial Dedication Day" and the President is authorized and requested to issue a proclamation designating October 15, 1991, as "National Law Enforcement Memorial Dedication Day".

Approved October 18, 1991.

LEGISLATIVE HISTORY—S.J. Res. 107:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Oct. 8, considered and passed Senate.

Oct. 9, considered and passed House.

Public Law 102-134
102d Congress

Joint Resolution

Designating October 16, 1991, and October 16, 1992, each as "World Food Day".

Oct. 21, 1991
[H.J. Res. 230]

- Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people in the world;
- Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;
- Whereas the United States has a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world;
- Whereas there is growing concern in the United States and in other countries for environmental protection and the dangers posed to future food security from misuse and overuse of precious natural resources of land, air, and water and the subsequent degradation of the biosphere;
- Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;
- Whereas the United States plays a major role in the development and implementation of interregional food and agricultural trade standards and practices, and recognizes the positive role that food trade can play in enhancing human nutrition and in the alleviation of hunger;
- Whereas the United States, as the largest producer and trader of food in the world, plays a key role in assisting countries and people to improve their ability to feed themselves;
- Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, the homeless, and children, remain vulnerable to malnutrition and related diseases;
- Whereas the Congress is acutely aware of the paradox of enormous surplus production capacity in the United States despite the desperate need for food by people throughout the world;
- Whereas the United States and other countries should develop and continually evaluate national policies concerning food and nutrition to achieve the well-being and protection of all people and particularly those most vulnerable to malnutrition and related diseases;
- Whereas the Congress is aware and fully supportive of the 1992 World Conference on Environment and Development and the forthcoming International Conference on Nutrition, and the influence the decisions of these conferences may have on sustainable agricultural development and human well-being;
- Whereas private enterprise and the primacy of the independent family farmer have been basic to the development of an agricul-

tural economy in the United States and have made the United States capable of meeting the food needs of most of the people of the United States;

Whereas conservation of natural resources is necessary for the United States to remain the largest producer of food in the world and to continue to aid hungry and malnourished people of the world;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 140 other nations;

Whereas nearly 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1991, and a growing number of these organizations and leaders are using such day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of hungry and malnourished people throughout the world by fasting and donating food and money for such people: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1991, and October 16, 1992, are each designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe World Food Day with appropriate ceremonies and activities, including worship services, fasting, education endeavors, and the establishment of year-round food and health programs and policies.

Approved October 21, 1991.

LEGISLATIVE HISTORY—H.J. Res. 230:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Oct. 2, considered and passed House.

Oct. 8, considered and passed Senate.

Public Law 102-135
102d Congress

An Act

To provide for a study, to be conducted by the National Academy of Sciences, on how the Government can improve the decennial census of population, and on related matters.

Oct. 24, 1991
[H.R. 3280]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Decennial
Census
Improvement
Act of 1991.
13 USC 141 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Decennial Census Improvement Act of 1991".

SEC. 2. STUDY.

13 USC 141 note.

(a) IN GENERAL.—The Secretary of Commerce shall, within 30 days after the date of enactment of this Act, and subject to the availability of appropriations, contract with the National Academy of Sciences (hereinafter in this Act referred to as the "Academy") to study—

(1) means by which the Government could achieve the most accurate population count possible; and

(2) consistent with the goal under paragraph (1), ways for the Government to collect other demographic and housing data.

(b) SPECIFIC CONSIDERATIONS.—In conducting its study, the Academy shall consider such matters as—

(1) with respect to subsection (a)(1)—

(A) ways to improve the Government's enumeration methods, especially with regard to those involving the direct collection of data from respondents;

(B) alternative methods for collecting the data needed for a basic population count, such as any involving administrative records, information from subnational or other surveys, and cumulative or rolling data-collection techniques; and

(C) the appropriateness of using sampling methods, in combination with basic data-collection techniques or otherwise, in the acquisition or refinement of population data, including a review of the accuracy of the data for different levels of geography (such as States, places, census tracts and census blocks); and

(2) with respect to subsection (a)(2)—

(A) the degree to which a continuing need is anticipated with respect to the types of data (besides data relating to the basic population count) which were collected through the last decennial census; and

(B) with respect to data for which such a need is anticipated, whether there are more effective ways to collect information using traditional methods and whether alternative sources or methodologies exist or could be implemented for obtaining reliable information in a timely manner.

(c) REPORTS.—(1) The Academy shall submit to the Secretary and to the Committee on Post Office and Civil Service of the House of Representatives and the committee on Governmental Affairs of the Senate—

(A) within 18 months after the date on which a contract is entered into under subsection (a), an interim report on its activities under this Act; and

(B) within 36 months after the date on which a contract is entered into under subsection (a), a final report which shall include a detailed statement of the Academy's findings and conclusions, as well as recommendations for any legislation or administrative action which the Academy considers appropriate.

(2) With respect to each alternative proposed or discussed in its final report, the Academy shall include—

(A) an evaluation of such alternative's relative advantages and disadvantages, as well as an analysis of its cost effectiveness; and

(B) for any alternative that does not involve the direct collection of data from individuals (about themselves or members of their household), an analysis of such alternative's potential effects on—

(i) privacy;

(ii) public confidence in the census; and

(iii) the integrity of the census.

Approved October 24, 1991.

LEGISLATIVE HISTORY—H.R. 3280:

HOUSE REPORTS: No. 102-227 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 137 (1991):

Sept. 30, considered and passed House.

Oct. 3, considered and passed Senate, amended.

Oct. 9, House concurred in Senate amendments.

Public Law 102-136
102d Congress

An Act

Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

Oct. 25, 1991
[H.R. 2426]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military
Construction
Appropriations
Act, 1992.

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$880,820,000, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed \$113,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 101-148, \$39,000,000 is hereby rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$883,859,000, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed \$76,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Navy" under Public Law 100-447, \$10,972,000 is hereby rescinded:

Provided further, That of the funds appropriated for "Military Construction, Navy" under Public Law 101-519, \$45,420,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,005,954,000, to remain available until September 30, 1996: *Provided*, That of this amount, not to exceed \$69,900,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 100-447, \$16,900,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-148, \$63,900,000 is hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 101-519, \$13,600,000 is hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$724,740,000, to remain available until September 30, 1996: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$74,600,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, \$225,000,000 to remain available until expended: *Provided*, That none of the funds appropriated or otherwise available

under the North Atlantic Treaty Organization Infrastructure Account in this or any other Act may be obligated for planning, design, or construction of military facilities or family housing to support the relocation of the 401st Tactical Fighter Wing to Crotone, Italy.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$231,117,000, to remain available until September 30, 1996.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$217,566,000, to remain available until September 30, 1996.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$110,389,000, to remain available until September 30, 1996.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$59,900,000, to remain available until September 30, 1996.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, \$9,700,000, to remain available until September 30, 1996.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$167,220,000; for Operation and maintenance, and for debt payment, \$1,390,025,000; in all \$1,557,245,000: *Provided*,

That the amount provided for construction shall remain available until September 30, 1996.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$198,440,000; for Operation and maintenance, and for debt payment, \$703,700,000; in all \$902,140,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$172,083,000; for Operation and maintenance, and for debt payment, \$903,200,000; in all \$1,075,283,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

FAMILY HOUSING, DEFENSE AGENCIES

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, \$200,000; for Operation and maintenance, \$26,000,000; in all \$26,200,000: *Provided*, That the amount provided for construction shall remain available until September 30, 1996.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, as amended), \$84,000,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), \$658,600,000, to remain available for obligation until September 30, 1995: *Provided*, That none of these funds may be obligated for base realignment and closure activities under Public Law 100-526 which would cause the Department's \$1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded: *Provided further*, That not less than \$220,000,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$100,000,000, to remain available until expended: *Provided*, That of the funds appropriated herein such sums as may be required shall be available for environmental restoration.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than \$25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 107. None of the funds appropriated in this Act for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in this Act may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in this Act may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in this Act may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in this Act for military construction in the United States territories and possessions in the Pacific and on Kwajalein Island may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

(TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account during fiscal year 1992, shall be transferred to the appropriations for Family Housing provided in this Act, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such military department by the authorizations enacted into law during the first session of the One Hundred Second Congress.

Reports.

SEC. 117. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with a report by February 15, 1992, containing details of the specific actions proposed to be taken by the Department of Defense during fiscal year 1992 to encourage other member nations of the North Atlantic Treaty Organization and Japan and Korea to assume a greater share of the common defense burden of such nations and the United States.

SEC. 118. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for

obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 119. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

10 USC 2860
note.

SEC. 120. Of the funds appropriated in this Act for Operations and maintenance of Family Housing, no more than \$15,000,000 may be obligated for contract cleaning of family housing units.

SEC. 121. None of the funds appropriated in this Act may be used for the design, construction, operation or maintenance of new family housing units in the Republic of Korea in connection with any increase in accompanied tours after June 6, 1988.

(TRANSFER OF FUNDS)

SEC. 122. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred: *Provided*, That the next to the last proviso of section 121 of the Military Construction Appropriations Act, 1987 (Public Law 99-500; 100 Stat. 1783-294 and Public Law 99-591; 100 Stat. 3341-294), is hereby repealed.

10 USC 2860
note.

SEC. 123. None of the funds appropriated in this Act for planning and design activities may be used to initiate design of the Pentagon Annex.

SEC. 124. None of the funds appropriated in this Act, except those necessary to exercise construction management provisions under section 2807 of title 10, United States Code, may be used for study, planning, design, or architect and engineer services related to the relocation of Yongsan Garrison, Korea.

SEC. 125. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 126. Section 402 of Public Law 102-27 (105 Stat. 155) is amended by inserting "(a)" preceding "In", by inserting "effective November 5, 1990" after "repealed", and by adding at the end thereof the following new subsection:

18 USC 2331 *et seq.*
50 USC 1701
note.

"(b) Effective November 5, 1990, chapter 113A of title 18, United States Code, is amended to read as if section 132 of Public Law 101-519 had not been enacted."

Effective date.

Real property.

SEC. 127. (a) Notwithstanding any other provision of law, the Secretary of the Army shall transfer, no later than September 30, 1992, and without reimbursement, to the Secretary of the Interior the real property, including improvements thereon, consisting of 500 acres located generally adjacent to 7,600 acres transferred by section 126 of Public Law 101-519. The transferred property shall not include a landfill and a sewage pumping station that are associated with the operation of Fort Meade, Maryland.

(b) The Secretary of the Interior shall administer the property transferred pursuant to subsection (a) as a part of the Patuxent Wildlife Research Center and in a manner consistent with wildlife conservation purposes and shall provide for the continued use of the property by Federal agencies, including the Department of Defense, to the extent that such agencies are using it on the date of the enactment of this Act.

(c) The Secretary of the Interior may not convey, lease, transfer, declare excess or surplus, or otherwise dispose of any portion of the property transferred pursuant to subsection (a) unless approved by law. The Secretary of the Interior may enter into cooperative agreements and issue special use permits for historic uses of the 500 acres: Provided, That they are consistent with all laws pertaining to wildlife refuges.

(d) The description of the property to be transferred under this section shall be determined by a survey satisfactory to the Director of the United States Fish and Wildlife Service within the Department of the Interior, after consultation with the Department of the Army.

Real property.
Utah.

SEC. 128. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101-519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is within the boundaries of the Fort Douglas National Historic Landmark, the Secretary—

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property (but only to the extent that structural repairs are necessary) in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and

restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

This Act may be cited as the "Military Construction Appropriations Act, 1992".

Approved October 25, 1991.

LEGISLATIVE HISTORY—H.R. 2426:

HOUSE REPORTS: Nos. 102-74 (Comm. on Appropriations) and 102-236 (Comm. of Conference).

SENATE REPORTS: No. 102-147 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 30, considered and passed House.

Sept. 16, considered and passed Senate, amended.

Oct. 8, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.

Oct. 16, Senate agreed to conference report; concurred in House amendments.

Public Law 102-137
102d Congress

An Act

Oct. 28, 1991
[H.R. 972]

To make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL JURISDICTION OVER INDIANS.

25 USC 1301
note.

Section 8077 of Public Law 101-511 (104 Stat. 1892) is amended by striking out subsection (d).

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 972 (S. 962):

HOUSE REPORTS: Nos. 102-61 (Comm. on Interior and Insular Affairs) and 102-261 (Comm. of Conference).

SENATE REPORTS: No. 102-153 and No. 102-168 accompanying S. 962 (both from Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 137 (1991):

May 14, considered and passed House.
Sept. 23, considered and passed Senate, amended.
Oct. 17, Senate agreed to conference report.
Oct. 22, House agreed to conference report.

Public Law 102-138
102d Congress

An Act

To authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes.

Oct. 28, 1991
[H.R. 1415]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Foreign
Relations
Authorization
Act, Fiscal Years
1992 and 1993.
22 USC 2651
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1992 and 1993".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

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- Sec. 507. Sanctions against use of chemical or biological weapons.
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TITLE I—DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) **DIPLOMATIC AND ONGOING OPERATIONS.**—The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law (other than the diplomatic security program):

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, of the Department of State \$1,725,005,000 for the fiscal year 1992 and \$1,822,650,000 for the fiscal year 1993.

(2) **ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.**—For “Acquisition and Maintenance of Buildings Abroad”, \$304,034,000 for the fiscal year 1992 and \$300,192,000 for the fiscal year 1993.

(3) **REPRESENTATION ALLOWANCES.**—For “Representation Allowances”, \$4,802,000 for the fiscal year 1992 and \$5,000,000 for the fiscal year 1993.

(4) **EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.**—For “Emergencies in the Diplomatic and Consular Service”, \$7,500,000 for the fiscal year 1992 and \$8,000,000 for the fiscal year 1993.

(5) **OFFICE OF THE INSPECTOR GENERAL.**—For “Office of the Inspector General”, \$23,928,000 for the fiscal year 1992 and \$26,650,000 for the fiscal year 1993.

(6) **PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.**—For “Payment to the American Institute in Taiwan”, \$13,784,000 for the fiscal year 1992 and \$14,500,000 for the fiscal year 1993.

(7) **MOSCOW EMBASSY.**—For “Acquisition and Maintenance of Buildings Abroad”, subject to the provisions of section 132, for construction of a new United States Embassy office building in Moscow, Soviet Union, \$130,000,000 for fiscal year 1992 and \$130,000,000 for fiscal year 1993. Amounts appropriated under this paragraph are authorized to be available until expended.

(b) **DIPLOMATIC SECURITY PROGRAM.**—In addition to amounts authorized to be appropriated by subsection (a), the following amounts are authorized to be appropriated under “Administration of Foreign Affairs” for the fiscal years 1992 and 1993 for the Department of State to carry out the diplomatic security program:

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, \$299,828,000 for the fiscal year 1992 and \$315,000,000 for the fiscal year 1993. Of the amounts authorized to be appropriated by this paragraph \$4,000,000 is authorized to be appropriated

for each of the fiscal years 1992 and 1993 for “counterterrorism, research, and development”.

(2) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For “Protection of Foreign Missions and Officials”, \$11,464,000 for the fiscal year 1992 and \$16,464,000 for the fiscal year 1993.

(c) LIMITATIONS.—

(1) Of the amount authorized to be appropriated for “Emergencies in the Diplomatic and Consular Service” under subsection (a)(4), not more than \$2,000,000 for each of the fiscal years 1992 and 1993 is authorized to be appropriated for activities authorized under subparagraphs (C), (D), (E), (F), (G), (H), and (J) of section 4(b)(2) of the State Department Basic Authorities Act of 1956.

(2) Of the amount authorized to be appropriated for “Salaries and Expenses” under subsection (a)(1)—

(A) \$10,000,000 for each of the fiscal years 1992 and 1993 is authorized to be available for the Foreign Service Institute and the Geographic Bureaus for language training programs;

(B) not more than \$4,100,000 shall be available for fiscal year 1992, and not more than \$5,400,000 shall be available for fiscal year 1993, only for procurement of ADP equipment for the Beltsville Information Management Center;

(C) not more than \$750,000 of the amounts appropriated for fiscal year 1992 are authorized to be available until expended to pay shared costs of the Conference on Security and Cooperation in Europe (CSCE) parliamentary meetings and CSCE parliamentary assessments (including shared costs of the CSCE Secretariat) and any shared costs and assessments for CSCE parliamentary activities for fiscal year 1991;

(D) for the fiscal year 1992—

(i) \$550,000 is authorized for United States preparations and related travel for the 1992 United Nations Conference on Environment and Development (UNCED), for United States contributions to the Voluntary Fund for UNCED, and for United States contributions to the Trust Fund for Preparatory Activities; and

(ii) up to \$25,000 is authorized on a matching grant basis to promote participation in the UNCED and in the UNCED preparatory conferences by nongovernmental organizations; and

(E) \$1,500,000 is authorized to be available for fiscal year 1993 for the Department of State to enter into contracts with the International Career Program in order for students from historically-black colleges and universities to enter into programs of recruitment and training for careers in the Foreign Service and in other areas of international affairs.

(3) Of the amount authorized to be appropriated for “Acquisition and Maintenance of Buildings Abroad” under subsection (a)(2) not more than \$41,500,000 shall be available for fiscal year 1992, and not more than \$44,700,000 for fiscal year 1993, for administration.

(4) Of the amount authorized to be appropriated for “Acquisition and Maintenance of Buildings Abroad” under subsection

(a)(2) and amounts authorized to be appropriated under section 401 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 a total of not more than \$55,466,000 is authorized to be appropriated for fiscal year 1992 for capital programs.

(5) Funds authorized to be appropriated by subsection (a)(1) are also authorized to be appropriated under the heading "Repatriation Loans Program Account" for the administrative expenses of such program.

(6) Amounts appropriated for "Acquisition and Maintenance of Buildings Abroad" pursuant to this section, and made available for new posts in Estonia, Latvia, Lithuania, republics in the Soviet Union, and republics which have declared independence from the Soviet Union, shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—

(1) There are authorized to be appropriated for "Contributions to International Organizations", \$1,120,541,000 for the fiscal year 1992 and \$766,681,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated under paragraph (1) for fiscal year 1992, not more than \$370,876,000 are authorized to be appropriated to pay arrearages for assessed contributions for prior years, of which not more than \$92,719,000 may be made available for obligation or expenditure during each of the fiscal years 1992, 1993, 1994, and 1995. Authorizations of appropriations for arrearage payments under this subsection shall be available until the appropriations are made.

(3) None of the amounts authorized to be appropriated under paragraph (2) shall be disbursed to the United Nations or any affiliated organization until the President reports to the Congress the specific elements of the plan by which the United Nations, and each affiliated organization authorized to receive such funds, intends to expend or otherwise use such funds.

(b) CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES.—

(1) There are authorized to be appropriated for "Contributions to International Peacekeeping Activities", \$201,292,000 for the fiscal year 1992 and \$72,254,000 for the fiscal year 1993, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(2) Of the amounts authorized to be appropriated by paragraph (1) for the fiscal year 1992, not more than \$132,423,000 are authorized to be appropriated to pay arrearages, of which not more than \$38,400,000 may be made available for obligation or expenditure during the fiscal year 1992 and not more than \$31,400,000 may be made available for obligation or expenditure for each of the fiscal years 1993, 1994, and 1995. Authorizations of appropriations for

arrearage payments under this subsection shall be available until the appropriations are made.

(c) **INTERNATIONAL CONFERENCES AND CONTINGENCIES.**—There are authorized to be appropriated for “International Conferences and Contingencies”, \$5,500,000 for the fiscal year 1992 and \$5,775,000 for the fiscal year 1993 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) **INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.**—For “International Boundary and Water Commission, United States and Mexico”—

(A) for “Salaries and Expenses” for the fiscal year 1992, \$11,400,000 and, for the fiscal year 1993, \$12,000,000; and

(B) for “Construction” for the fiscal year 1992, \$10,525,000 and, for the fiscal year 1993, \$19,925,000.

(2) **INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.**—For “International Boundary Commission, United States and Canada”, \$768,000 for the fiscal year 1992 and \$805,000 for the fiscal year 1993.

(3) **INTERNATIONAL JOINT COMMISSION.**—For “International Joint Commission”, \$3,732,000 for the fiscal year 1992 and \$3,920,000 for the fiscal year 1993.

(4) **INTERNATIONAL FISHERIES COMMISSIONS.**—For “International Fisheries Commissions”, \$14,000,000 for the fiscal year 1992 and \$16,500,000 for the fiscal year 1993.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—(1)(A) There are authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities, \$547,250,000 for the fiscal year 1992 and \$592,250,000 for the fiscal year 1993.

(B) Of the amounts authorized to be appropriated by subparagraph (A), \$5,000,000 is authorized to be available for each of the fiscal years 1992 and 1993 for migration assistance to displaced ethnic Armenians resettling in Armenia.

(2) There are authorized to be appropriated \$80,000,000 for the fiscal year 1992 and \$90,000,000 for the fiscal year 1993 for assistance for refugees resettling in Israel.

(3) There are authorized to be appropriated \$1,750,000 for the fiscal year 1992, and \$1,750,000 for the fiscal year 1993, for assistance to unaccompanied minor children and other cases of special humanitarian concern that have generally been referred to special committees established pursuant to the Comprehensive Plan of Action for Indochinese Refugees in first asylum countries in Southeast Asia and Hong Kong. The President shall seek to ensure that such assistance supplements, and does not supplant, United Nations High Commissioner for Refugees and other funding that would have been directed toward assistance to unaccompanied minors and other

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Children and
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cases of special humanitarian concern in the absence of this paragraph. Assistance may be provided under this paragraph notwithstanding any other provision of law.

(4) There are authorized to be appropriated \$1,000,000 for fiscal year 1992 and \$1,000,000 for fiscal year 1993 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Burmese displaced as a result of civil conflict.

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to subsection (a) are authorized to be available until expended.

SEC. 105. OTHER PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) **UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.**—For “United States Bilateral Science and Technology Agreements”, \$2,250,000 for the fiscal year 1992 and \$6,000,000 for the fiscal year 1993.

(2) **SOVIET-EAST EUROPEAN RESEARCH AND TRAINING.**—For “Soviet-East European Research and Training”, \$4,784,000 for the fiscal year 1992 and \$5,025,000 for the fiscal year 1993.

(3) **ASIA FOUNDATION.**—For “Asia Foundation”, \$16,000,000 for the fiscal year 1992 and \$18,000,000 for the fiscal year 1993.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 111. TECHNICAL AMENDMENT.

The State Department Basic Authorities Act of 1956 is amended—

(1) by striking out section 48; and

(2) by inserting immediately after the enacting clause the following: “That this Act may be cited as the ‘State Department Basic Authorities Act of 1956’.”

SEC. 112. CONSULAR AND DIPLOMATIC POSTS ABROAD.

(a) **CONSULAR AND DIPLOMATIC POSTS ABROAD.**—

(1) The State Department Basic Authorities Act of 1956 (as amended by subsection (a)) is amended by adding after section 47 the following:

“CLOSING OF CONSULAR AND DIPLOMATIC POSTS ABROAD

“SEC. 48. (a) **PROHIBITED USES OF FUNDS.**—Except as provided under subsection (d) or in accordance with the procedures under subsections (b) and (c) of this section—

“(1) no funds authorized to be appropriated to the Department of State shall be available to pay any expense related to the closing of any United States consular or diplomatic post abroad; and

“(2) no funds authorized to be appropriated to the Department of State may be used to pay for any expense related to the Bureau of Administration of the Department of State (or to carrying out any of its functions) if any United States consular or diplomatic post is closed.

22 USC 2651
note.
22 USC 2651
note.

22 USC 2720.

“(b) **POST CLOSING NOTIFICATION.**—Not less than 45 days before the closing of any United States consular or diplomatic post abroad, the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(c) **REPROGRAMMING TREATMENT.**—Amounts made available to pay any expense related to the closing of a consular or diplomatic post abroad shall be treated as a reprogramming of funds under section 34 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

“(d) **EXCEPTIONS.**—The provisions of this section do not apply with respect to—

“(1) any post closed because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

“(2) any post closed because there is a real and present threat to United States diplomatic or consular personnel in the city where the post is located, and a travel advisory warning against travel by United States citizens to that city has been issued by the Department of State.

“(e) **DEFINITION.**—As used in this section, the term ‘consular or diplomatic post’ does not include a post to which only personnel of agencies other than the Department of State are assigned.”

(b) **REPEAL.**—Section 122 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 2656 note) is repealed.

SEC. 113. DENIAL OF PASSPORTS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 48 the following new section:

“IMPERMISSIBLE BASIS FOR DENIAL OF PASSPORTS

“SEC. 49. A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, affiliation, or membership, within or outside the United States, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.”

22 USC 2721.

SEC. 114. EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.

Section 124 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 2680 note) is amended by adding at the end thereof the following: “Items included in each such report concerning representation, official travel, and gifts shall be submitted in unclassified form.”

SEC. 115. LEASE AUTHORITY.

(a) **INCREASE IN LEASE AUTHORITY.**—Section 10 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by striking out “\$25,000,” and inserting in lieu thereof “\$50,000”.

22 USC 301.

(b) **ADVANCE PAYMENTS.**—Section 10 of the Foreign Service Buildings Act, 1926 is further amended—

(1) by inserting “(a) **LEASES.**—” after “SEC. 10.”; and

(2) by adding after subsection (a) the following new subsection:

“(b) **ADVANCE PAYMENTS FOR LONG-TERM LEASES AND LEASE PURCHASE.**—The Secretary may, subject to the availability of appropriations, make advance payments for long-term leases and lease-pur-

chase agreements, if the Secretary or his designee determines, in each case, that such payments are in the interest of the United States Government in carrying out the purposes of this Act.”.

(c) **EXCEPTION OF LEASES AND PURCHASES FROM COMPETITION.**—Section 3 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 294), is amended in the second sentence by inserting “purchases of buildings, for leases, and for” after “contracts for”.

SEC. 116. MULTIYEAR CONTRACTING FOR MOSCOW.

(a) **MULTIYEAR CONTRACT.**—For purposes of this section the term “multiyear contract” means a contract in effect for a period not to exceed five years.

(b) **AUTHORITY.**—The Secretary of State may enter into multiyear contracts for the acquisition of property and the construction of diplomatic facilities in Moscow, as authorized by the Foreign Service Buildings Act, 1926, if—

(1) there are sufficient funds available for United States Government liability for—

(A) total payments under the full term of a contract; or

(B) payments for the first fiscal year for which the contract is in effect, and for all estimated cancellation costs; and

(2) the Secretary of State determines that—

(A) a multiyear contract will serve the best interests of the United States Government by—

(i) achieving economies in administration, performance, and operation;

(ii) increasing quality of performance by, or service from, the contractor; or

(iii) encouraging effective competition; and

(B) a multiyear contract will not inhibit small business concerns from submitting a bid or proposal for such contract.

(c) **CONTRACT PROVISIONS.**—

(1) Unless funds are available for United States liability for payments under the full term of a multiyear contract, a multiyear contract shall provide that United States Government payments and performance under the contract during the second and any subsequent fiscal year of the contract period are contingent on the availability of funds for such year.

(2) A multiyear contract may provide for payment to the contractor of a reasonable cancellation charge for a contingency under paragraph (1).

(3) The Secretary is authorized to use such funds as may be available from the Foreign Service Buildings Fund for payments under paragraph (2).

(d) **SUNSET PROVISION.**—This section shall cease to have effect after September 30, 1993.

SEC. 117. TRANSFERS AND REPROGRAMMINGS.

(a) **BUYING POWER MAINTENANCE ACCOUNT.**—Section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696) is amended by adding at the end of subsection (b) the following new paragraph:

“(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for an

account under 'Administration of Foreign Affairs', the Secretary of State may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

"(B) The balance of the Buying Power Maintenance account may not exceed \$100,000,000 as a result of any transfer under this paragraph.

"(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 34 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

"(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.

"(E) This paragraph shall cease to have effect after September 30, 1993."

Termination
date.

(b) INCREASE IN REPROGRAMMING LIMITATION.—Section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(a)) is amended in paragraph (7) by striking out "\$250,000" and inserting in lieu thereof "\$500,000".

(c) APPROPRIATIONS.—Section 24(d) of the State Department Basic Authorities Act is amended to read as follows:

22 USC 2696.

"(d)(1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the Department of State in the Department of State Appropriations Act, for the second fiscal year of any two-year authorization cycle may be appropriated for such second fiscal year for any other account of the Department of State.

"(2) Amounts appropriated for the 'Salaries and Expenses' and 'Acquisition and Maintenance of Buildings Abroad' accounts may not exceed by more than 5 percent the amounts specifically authorized to be appropriated for each such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

"(3) The requirements and limitations of section 15 shall not apply to the appropriation of funds pursuant to this subsection.

"(4) This subsection shall cease to have effect after September 30, 1993."

Termination
date.

SEC. 118. ADMINISTRATIVE SERVICES.

Section 23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695) is amended—

(1) by adding before the section designation the following section heading: "ADMINISTRATIVE SERVICES";

(2) by inserting "(a) AGREEMENTS.—" after "Sec. 23."; and

(3) by adding at the end thereof the following new subsection:

"(b) PAYMENT.—

"(1) A Federal agency which obtains administrative services from the Department of State pursuant to an agreement authorized under subsection (a) shall make full and prompt payment for such services through advance of funds or reimbursement.

"(2) The Secretary of State shall bill each Federal agency for amounts due for services provided pursuant to subsection (a). The Secretary shall notify a Federal agency which has not made full payment for services within 90 days after billing that services to the agency will be suspended or terminated if full payment is not made within 180 days after the date of notifica-

tion. Except as provided under paragraph (3), the Secretary shall suspend or terminate services to a Federal agency which has not made full payment for services under this section 180 days after the date of notification. Any costs associated with a suspension or termination of services shall be the responsibility of, and shall be billed to, the Federal agency.

“(3) The Secretary of State may waive the requirement for suspension or termination under paragraph (2) with respect to such services as the Secretary determines are necessary to ensure the protection of life and the safety of United States Government property. A waiver may be issued for a period not to exceed one year and may be renewed.”

SEC. 119. INTERNATIONAL MEETINGS.

The State Department Basic Authorities Act of 1956 is amended by adding after section 49 the following:

“INTERNATIONAL MEETINGS

22 USC 2722.

“SEC. 50. (a) **AUTHORITY TO PAY EXPENSES.**—If the United States Government hosts an international meeting or conference in the United States, the Secretary of State is authorized to pay all reasonable expenses of such meeting or conference. Such expenses may include rental of quarters (by contract or otherwise) and personal services.

“(b) **RETENTION OF REIMBURSEMENTS.**—To the extent provided in an appropriation Act, transfers of funds or other reimbursements for payments under subsection (a) are authorized to be retained and credited to the appropriate appropriation account of the Department of State which is available.”

SEC. 120. AVAILABILITY OF FUNDS.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended—

- (1) in subsection (j), by striking out “and”;
- (2) in subsection (k), by striking out the period and inserting in lieu thereof “; and”;
- (3) by adding after subsection (k) the following new subsection:

“(l) pay obligations arising under international agreements, conventions, and binational contracts to the extent otherwise authorized by law.”

SEC. 121. CHILDCARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703) is amended in subsection (e) by striking out “1990 and 1991,” and inserting in lieu thereof “1992 and 1993.”

22 USC 2652b.

SEC. 122. ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.

(a) **ESTABLISHMENT OF POSITION.**—There is established in the Department of State the position of Assistant Secretary of State for South Asian Affairs, which is in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652).

President.

(b) **APPOINTMENT.**—The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) **RESPONSIBILITIES.**—The Assistant Secretary shall have responsibility within the Department of State with respect to India, Paki-

stan, Bangladesh, Sri Lanka, Nepal, Bhutan, Afghanistan, and the Maldives.

(d) CONFORMING AMENDMENT.—

(1) POSITIONS AT EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

“Assistant Secretary for South Asian Affairs, Department of State.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1991. 5 USC 5315 note.

(e) IMPLEMENTATION.—In order to carry out this section, the Secretary of State shall reprogram the position of Deputy Assistant Secretary for South Asian Affairs.

SEC. 123. FEES RECEIVED FOR USE OF BLAIR HOUSE.

Section 46(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)) is amended by striking out “for the fiscal years 1990 and 1991,”.

SEC. 124. FOREIGN SERVICE INSTITUTE FACILITIES.

Section 123 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4021 note) is amended in subsection (c)(2) by striking out “50,000,000” and inserting in lieu thereof “70,000,000”.

SEC. 125. MAINTENANCE MANAGEMENT OF OVERSEAS PROPERTY.

22 USC 296a.

The Director of the Office of Foreign Buildings Operations shall—

(1) direct overseas posts to make annual building condition assessments of buildings and facilities used by the post;

(2) not later than 90 days after the date of the enactment of this Act, revise the Foreign Affairs Manual to stipulate that the Buildings and Maintenance Handbook shall be used by each post to identify their maintenance needs, standardize their maintenance operations, and conduct annual assessments as required by paragraph (1);

(3) direct the Office of Foreign Buildings Operations to provide proper training and assistance to posts to ensure that annual surveys are effectively completed; and

(4) direct overseas posts to ensure that all maintenance program fiscal transactions are properly encoded in the Department of State accounting system to enable compilation of actual expenditures on routine maintenance and specific maintenance funded by the Office of Foreign Buildings Operations.

SEC. 126. DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) by striking out the section heading and the heading for subsection (a) and inserting in each place the following: “DEFENSE TRADE CONTROLS REGISTRATION FEES;

(2) in subsection (a)—

(A) by striking out “Munitions Control” each place it appears and inserting in lieu thereof “Defense Trade Controls”;

(B) by striking out “munitions control” each place it appears and inserting in lieu thereof “defense trade controls”; and

(C) by striking out “\$500,000” and inserting in lieu thereof “\$700,000”.

SEC. 127. DENIAL OF CERTAIN VISAS.

(a) **AMENDMENT TO STATE DEPARTMENT BASIC AUTHORITIES ACT.**—The State Department Basic Authorities Act of 1956 is amended by adding after section 50 the following new section:

“**DENIAL OF VISAS**

22 USC 2723.

“**SEC. 51. (a) REPORT TO CONGRESS.**—The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy. Such report shall set forth the name and nationality of each such person and a factual statement of the basis for such denial.

“(b) **LIMITATION.**—Information contained in such report may be classified to the extent necessary and shall protect intelligence sources and methods.

“(c) **APPROPRIATE COMMITTEES.**—For the purposes of this section the term ‘appropriate committees of the Congress’ means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.”.

8 USC 1182 note.

SEC. 128. VISA LOOKOUT SYSTEMS.

(a) **VISAS.**—The Secretary of State may not include in the Automated Visa Lookout System, or in any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, the name of any alien who is not excludable from the United States under the Immigration and Nationality Act, subject to the provisions of this section.

(b) **CORRECTION OF LISTS.**—Not later than 3 years after the date of enactment of this Act, the Secretary of State shall—

(1) correct the Automated Visa Lookout System, or any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, by deleting the name of any alien not excludable under the Immigration and Nationality Act; and

(2) report to the Congress concerning the completion of such correction process.

(c) **REPORT ON CORRECTION PROCESS.**—

(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate congressional committees, a plan which sets forth the manner in which the Department of State will correct the Automated Visa Lookout System, and any other system or list as set forth in subsection (b).

(2) Not later than 1 year after the date of enactment of this Act, the Secretary of State shall report to the appropriate congressional committees on the progress made toward completing the correction of lists as set forth in subsection (b).

(d) **APPLICATION.**—This section refers to the Immigration and Nationality Act as in effect on and after June 1, 1991.

(e) **LIMITATION.**—

Reports.

(1) The Secretary may add or retain in such system or list the names of aliens who are not excludable only if they are included for otherwise authorized law enforcement purposes or other lawful purposes of the Department of State. A name included for other lawful purposes under this paragraph shall include a notation which clearly and distinctly indicates that such person is not presently excludable. The Secretary of State shall adopt procedures to ensure that visas are not denied to such individuals for any reason not set forth in the Immigration and Nationality Act.

(2) The Secretary shall publish in the Federal Register regulations and standards concerning maintenance and use by the Department of State of systems and lists for purposes described in paragraph (1).

Federal
Register,
publication.
Regulations.

(3) Nothing in this section may be construed as creating new authority or expanding any existing authority for any activity not otherwise authorized by law.

(f) **DEFINITION.**—As used in this section the term “appropriate congressional committees” means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.

SEC. 129. PROHIBITION ON ISSUANCE OF ISRAEL-ONLY PASSPORTS.

(a) **PURPOSE.**—It is the purpose of this section—

(1) to direct the Secretary of State to seek an end to the policy of the majority of Arab League nations of rejecting passports, and denying entrance visas to persons whose passport or other documents reflect that the holder has visited Israel, and to secure the adoption of policies that assure that travel to such Arab League nations by persons who have visited Israel shall not be unreasonably impeded; and

(2) to prohibit United States Government acquiescence in the policy of the majority of Arab League nations of rejecting Israel by rejecting passports of, and denying entrance visas to, persons whose passport or other documents reflect that the holder has visited Israel, especially with respect to travel by officials of the United States.

(b) **NEGOTIATIONS.**—The Secretary of State shall immediately undertake negotiations to seek an end to the policy of the majority of Arab League nations of rejecting passports of, and denying entrance visas to, private persons and officials of all nations whose passports or other documents reflect that the holder thereof has visited Israel.

(c) **REPORT TO CONGRESS.**—The Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives within 60 days of the date of enactment of this Act. The report shall describe the status of efforts to secure an end to the passport and visa policy of the majority of Arab League nations as described in subsection (a), and describe the prospects that such efforts would be successful within 90 days of the date of enactment of this Act.

(d) **PROHIBITION ON THE ISSUANCE OF ISRAEL-ONLY PASSPORTS.**—

(1) **PROHIBITION.**—Notwithstanding any other provision of law, the Secretary of State shall not issue any passport that is designated for travel only to Israel.

Regulations.

(2) CANCELLATION.—Not later than ninety days after the date of enactment of this Act, the Secretary of State shall promulgate regulations for the cancellation not later than 180 days after the enactment of this Act of any currently valid passport which is designated for travel only to Israel.

(e) POLICY ON NONACQUIESCENCE.—

(1) REQUIREMENT OF SINGLE PASSPORT.—The Secretary of State shall not issue more than one official or diplomatic passport to any official of the United States Government for the purpose of enabling that official to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

Regulations.

(2) IMPLEMENTATION OF POLICY OF NONCOMPLIANCE.—The Secretary of State shall promulgate such rules and regulations as are necessary to ensure that officials of the United States Government do not comply with, or acquiesce in, the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passport or other documents reflect that the person has visited Israel.

(3) EFFECTIVE DATE.—

(A) Except as provided in subparagraph (B), this subsection shall take effect 90 days after the date of enactment of this Act.

(B) If the report under subsection (c) is not submitted within 60 days of the date of enactment of this Act, this subsection shall take effect 60 days after the date of enactment of this Act.

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

SEC. 131. DIPLOMATIC CONSTRUCTION PROGRAM.

22 USC 4852.

Section 402(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4582(a)) is amended—

(1) in paragraph (1) by striking out “\$5,000,000” and inserting in lieu thereof “\$10,000,000”; and

(2) by amending paragraph (2) to read as follows:

“(2) bid on a diplomatic construction or design project which involves technical security, unless the project involves low-level technology, as determined by the Assistant Secretary for Diplomatic Security.”.

SEC. 132. CONSTRUCTION OF DIPLOMATIC FACILITIES.

(a) LIMITATION.—Amounts appropriated pursuant to section 101(a)(7) shall be available for obligation and expenditure subject to the provisions of this section.

(b) COMPREHENSIVE PLAN.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary of State, in coordination with the heads of other appropriate Government agencies, shall prepare and submit to the appropriate committees of the Congress, a comprehensive plan which sets forth current and future space requirements for the United States Mission in Moscow and how such requirements will be met.

(2) In addition to such other information as the Secretary of State considers necessary and appropriate, such plan shall include detailed information concerning requirements for—

- (A) United States constructed and secure office space to house all classified or sensitive activities from the most secure to unclassified but sensitive functions;
- (B) unclassified nonsensitive office functions;
- (C) staff housing that is physically safe, secure, and adequate for the needs of the entire United States Mission, both permanent and transient;
- (D) secure and unsecured warehousing;
- (E) recreational facilities;
- (F) expanded activities of the United States Information Agency, including offices and cultural activities;
- (G) expanded consular activities of the Mission;
- (H) expanded activities of the Foreign Commercial Service of the Department of Commerce;
- (I) activities of the Immigration and Naturalization Service; and
- (J) all other anticipated United States Government space requirements.

(3) In the preparation of such plan, the Secretary shall ensure that detailed consideration be given to at least three construction options for the new chancery building at the United States Embassy in Moscow: (A) full teardown and rebuild; (B) four floor “top hat” in which two floors are removed from the unfinished New Office Building and four floors added; and (C) a two floor “top hat” in which no floors are removed but two are added.

(c) IMPLEMENTING DOCUMENTS.—The Secretary of State shall make available to the appropriate committees of Congress copies of all agreements, including memoranda of understanding, exchanges of letters, and all other written agreements with the governments of the Soviet Union, the Russian Republic, and the City of Moscow necessary to implement the comprehensive plan under subsection (b).

(d) REPORT.—

(1) Not later than 60 days before the obligation or expenditure of any funds authorized to be appropriated under section 101(a)(7), the Secretary of State and the Director of Central Intelligence shall submit to the appropriate committees of the Congress a joint written report on alternative approaches to the reconstruction of the new chancery building at the United States Embassy in Moscow (as authorized under section 101(a)(7)).

(2) CONTENTS OF REPORT.—The report under paragraph (1) shall contain a detailed comparison of the relative advantages and disadvantages of all alternatives considered with respect to the new chancery building at the United States Embassy in Moscow and shall identify the alternative selected for implementation. Such report shall include an analysis of the following factors:

- (A) Estimated cost of completion, based on comparable levels of fit, finish, and equipment.
- (B) Estimated time to completion.
- (C) Total amount of secure and nonsecure space available for office and other functions.

(D) Whether classified or sensitive functions would be conducted in nonsecure areas, and, if so, how the conduct of such functions would be made secure.

(E) Whether, and to what extent, Embassy functions or normal work practices would have to be rearranged in order to accommodate limitations on secure space.

(e) **EXTRAORDINARY SECURITY SAFEGUARDS.**—

(1) In carrying out the reconstruction project for the new chancery building at the United States Embassy in Moscow, the Secretary of State shall ensure that extraordinary security safeguards are implemented with respect to all aspects of security, including materials, logistics, construction methods, and site access.

(2) Such extraordinary security safeguards under paragraph

(1) shall include the following:

(A) Exclusive United States control over the site during reconstruction.

(B) Exclusive use of United States or non-Soviet materials with respect to the new chancery structure.

(C) Exclusive use of United States workmanship with respect to the new chancery structure.

(D) To the extent feasible, prefabrication in the United States of major portions of the new chancery.

(E) Exclusive United States control over construction materials during the entire logistical process of reconstruction.

(f) **UNITED STATES-SOVIET RECIPROCITY CONCERNING OCCUPANCY OF NEW CHANCERY BUILDINGS.**—The Secretary of State may not permit the Soviet Union to use any new office building at the Soviet Union's new Mount Alto embassy complex in Washington, District of Columbia, or any other new facility in the Washington metropolitan area, until—

(1) the new chancery building at the United States Embassy in Moscow is ready for occupancy;

(2) the Secretary of State and the Director of Central Intelligence certify, on the basis of the best available information, that the new chancery building at the United States Embassy in Moscow provides a secure working environment for all sensitive diplomatic activities from unclassified but sensitive functions to the most highly classified functions, provides adequate secure or securable office space for future mission needs, and can be safely and securely occupied by the United States and used for its intended purpose; and

(3) the Soviet Union agrees to provide full reimbursement (in the form of cash payment, property, or other goods and services of real monetary value) to the United States for costs incurred by the United States as a result of noncompliance with the terms and requirements of the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings, as well as other activities which have impeded use of the unfinished new office building of the United States Embassy of Moscow for its intended purpose, the amount of such reimbursement shall be determined by agreement

between the United States and the Soviet Union, or by arbitration.

(g) **REPORT.**—In the event the amount of reimbursement agreed to under subsection (f) by the Soviet Union is less than the amount of funds expended for the damages described in subsection (f) that are determined by the Secretary of State to be the responsibility of the Soviet Union, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Such report shall contain a detailed explanation of the reasons the Secretary accepted the settlement arrangements of the United States claims and the financial costs to the United States of doing so.

(h) **CONFORMING AMENDMENTS.**—

(1) Section 304 of Public Law 100-202 (The Department of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1988) is repealed.

(2) Section 154 of Public Law 99-93 (The Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is repealed.

(3) The Supplemental Appropriations Act 1985 (P.L. 99-88) is amended under the heading "ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD" for the Department of State by striking out "Provided," and all that follows before the period at the end of subsection (d).

(i) **DEFINITIONS.**—For the purposes of this section, the term "appropriate committees of Congress", means the Committee on Foreign Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(j) **ESTABLISHMENT OF ADDITIONAL UNITED STATES MISSIONS IN THE SOVIET UNION.**—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall prepare and submit a report to the Congress outlining plans for the establishment of additional United States missions in the former Soviet Union. Particular priority should be placed on establishing an appropriate United States presence in Tbilisi, Georgia; Kishinev, Moldavia; Yerevan, Armenia; and Khabarovsk, Russia or another suitable nearby location in the Russian Far East. Such report shall include the number of missions and personnel, projected costs, and the ramifications regarding reciprocity for Soviet missions in the United States.

SEC. 133. POSSIBLE MOSCOW EMBASSY SECURITY BREACH.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report on the extent to which United States assets were compromised by Soviet "firefighters" in the March 1991 fire at the United States Embassy complex in Moscow. Such report shall include an accounting of the Embassy's political, military, communications, and intelligence capabilities, and shall be submitted in classified, as well as unclassified, form.

SEC. 134. SPECIAL AGENTS.

(a) **REPORT.**—Not later than 180 days after the date of enactment of this act, the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary and Foreign Relations of the Senate and the Committees on the Judiciary and Foreign Affairs of the House of Representatives a report and rec-

101 Stat.
1329-23.

99 Stat. 429.

99 Stat. 307.

Reports.

Reports.
Classified
information.

ommendations regarding whether Special Agents of the Diplomatic Security Service should be authorized to make arrests without warrants for offenses against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

(b) **TERMS OF REFERENCE.**—The report required by subsection (a) shall address at least the following topics:

(1) Whether similar arrest authority granted other Federal law enforcement agencies such as the Drug Enforcement Agency, the United States Customs Service, United States Marshals, the Secret Service, and the Federal Bureau of Investigation has on balance served the public interest.

(2) Whether execution of the existing statutory responsibilities of the Diplomatic Security Service would be furthered by granting of such authority.

(3) Disadvantages which would be likely to result from granting of such authority, including disadvantages in terms of protection of civil liberties.

(4) Proposed statutory language which would if enacted provide any such authority recommended.

(5) Proposed regulations to implement any such enacted authority.

SEC. 135. PROTECTION FOR UNITED NATIONS FACILITIES AND MISSIONS.

(a) **PERMANENT AUTHORIZATION.**—

(1) Section 208(b)(1) of title 3, United States Code, is amended—

(A) by striking out “\$7,000,000” and inserting in lieu thereof “\$10,000,000”;

(B) by striking out “1982” and inserting in lieu thereof “1991”; and

(C) by striking out “after such date” and inserting in lieu thereof “without regard to the fiscal year such obligations were entered into, including obligations entered into before such date”.

(2) Section 208(b)(2) of title 3, United States Code, is amended—

(A) by striking out “\$17,700,000” and inserting in lieu thereof “\$8,000,000”;

(B) by striking out “1982” and inserting in lieu thereof “1991”; and

(C) by inserting before the period at the end thereof the following: “, except that not more than \$4,000,000 of this amount shall be obligated or expended during fiscal year 1992”.

(3) The amendments made by this subsection shall take effect on October 1, 1991.

(b) **PROTECTION OF FOREIGN DIPLOMATIC MISSIONS.**—

(1) Section 202(8)(C) of title 3, United States Code, is amended to read as follows: “(C) when the extraordinary protective need arises at or in association with a visit to (i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or (ii) an international organization of which the United States is a member, except that such protection may also be provided for motorcades and at other places associated with

any such visit and may be extended at places of temporary domicile in connection with any such visit;”.

(2) Section 202(9) of title 3, United States Code, is amended to read as follows:

“(9) foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct; and”.

(3) Section 202 of title 3, United States Code, is amended by adding after paragraph (9) the following:

“(10) visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located 20 or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places associated with such visits, pursuant to invitations of the United States Government.”.

(4)(A) Except as provided in subparagraph (B), the amendments made by this subsection shall take effect October 1, 1991.

(B) The amendments made by paragraph (1) shall be deemed to have become effective as of January 1, 1989.

(5) Protective services provided by a State or local government at any time during the period beginning on January 1, 1989, and ending on September 30, 1991, which were performed in connection with visits described in section 202(8) of title 3, United States Code, as amended by this subsection, shall be deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by paragraph (1) of this subsection was in effect during that period and the services had been requested by the Secretary of State.

(c) CONFORMING AMENDMENTS.—Section 208(a) of title 3, United States Code, is amended by striking out “section 202(7)” each place it appears and inserting in lieu thereof “sections 202(8) and 202(10)”.

SEC. 136. STUDY OF CONSTRUCTION SECURITY NEEDS.

Not more than one year after the date of enactment of this Act, the Secretary of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report and recommendations regarding security needs for diplomatic construction. The Secretary of State shall review priorities, recommendations, and plans, generally known as the “Inman Report”, and address specifically whether changing budgetary and foreign policy priorities since the “Inman Report” continue to justify the “Inman” recommendations. The report should also assess whether authorizations for “Inman” security activities should be modified or repealed in light of changed conditions.

PART D—PERSONNEL

SEC. 141. AMBASSADORIAL APPOINTMENTS.

Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in subsection (a)(1) by inserting “as an ambassador,” after “ambassador at large,”.

SEC. 142. CHIEF OF MISSION SALARY.

(a) ELECTION.—Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended in the second sentence of subsection (b) by striking out all that follows “assignment” and inserting in lieu

Effective dates.
3 USC 202 note.

Inter-
governmental
relations.
3 USC 202 note.

Reports.

thereof "may elect to continue to receive the salary of his or her salary class, to remain eligible for performance pay under chapter 4, and to receive the leave to which such member is entitled under subchapter I of chapter 63, title 5, United States Code, as a member of the Senior Foreign Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President."

(b) **PAY CAP.**—Section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961) is amended in subsection (a) by—

- (1) striking out "Each" and inserting in lieu thereof "Except as provided in section 302(b), each"; and
- (2) striking out "level II of such" and inserting in lieu thereof "level I of such".

SEC. 143. AUTHORITY OF SECRETARY TO SUSPEND EMPLOYEES CONVICTED OF CRIMES.

(a) **SEPARATION FOR CAUSE.**—Section 610(a) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)) is amended—

- (1) in paragraph (3) by striking out "there is reasonable cause to believe that a member has committed a crime" and inserting in lieu thereof "a member has been convicted of a crime";
- (2) in paragraph (4)(A) by striking out "suspension, including the grounds for reasonable cause to believe a crime has been committed" and inserting in lieu thereof "suspension"; and
- (3) in the second sentence of paragraph (5) by striking out "there exists reasonable cause to believe a crime has been committed for which a sentence of imprisonment may be imposed" and inserting in lieu thereof "the conviction requirements of subsection (a)(3) have been fulfilled".

(b) **FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.**—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended in the third sentence of paragraph (8) by striking out "determined that" and all that follows through the period and inserting in lieu thereof "exercised his authority under subsection (a)(3) of section 610."

(c) **CONFORMING AMENDMENT.**—Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended by striking out subsection (c).

22 USC 4010
note.

SEC. 144. COMMISSARY ACCESS.

Section 31(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2703(c)) is amended by adding before the period at the end of the first sentence " , and, where determined by the Secretary to be appropriate due to exceptional circumstances, to United States citizens hired outside of the host country to serve as teaching staff for such dependents abroad".

SEC. 145. STORAGE OF PERSONAL EFFECTS.

Section 901(12) of the Foreign Service Act of 1980 (22 U.S.C. 4081(12)) is amended—

- (1) in subparagraph (B) by inserting immediately before the semicolon " , except that in extraordinary circumstances the Secretary may extend this period for not more than an additional 90 days"; and
- (2) in subparagraph (C) by inserting immediately before the semicolon " , except that in extraordinary circumstances the

Secretary may extend this period for not more than an additional 90 days”.

SEC. 146. TRANSPORTATION OF REMAINS.

Section 901(10) of the Foreign Service Act of 1980 (22 U.S.C. 4081(10)) is amended by inserting immediately before the semicolon “or, if death occurs in the United States, transport of the remains to the designated home in the United States or to a place not more distant”.

SEC. 147. AMENDMENTS TO TITLE 5.

Government employees.

(a) **DURATION OF PAYMENTS; RATES; ACTIVE SERVICE PERIOD.**—Section 5523(a)(1) of title 5, United States Code, is amended by striking “agency)—” and all that follows thereafter and inserting the following: “agency) whose departure (or that of the employee’s dependents or immediate family, as the case may be) is authorized or ordered under section 5522(a); and”.

(b) **LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.**—(1) Section 5551(a) of title 5, United States Code, is amended by inserting “(excluding any differential under section 5925 and any allowance under section 5928)” after “pay” in the second sentence.

(2) The amendment made by paragraph (1) shall apply with respect to service as part of a tour of duty or extension thereof commencing on or after the date of enactment of this Act.

5 USC 5551 note.

(c) **GENERAL PROVISIONS.**—Section 5922 of title 5, United States Code, is amended by adding at the end the following:

“(d) When a quarters allowance or allowance related to education under this subchapter, or quarters furnished in Government-owned or controlled buildings under section 5912, would be furnished to an employee but for the death of the employee, such allowances or quarters may be furnished or continued for the purpose of allowing any child of the employee to complete the current school year at post or away from post notwithstanding the employee’s death.

“(e) When an allowance related to education away from post under this subchapter would be authorized with respect to an employee but for the evacuation or authorized departure status of the post, such an allowance may be furnished or continued for the purpose of allowing any dependent children of such employee to complete the current school year.”.

(d) **QUARTERS ALLOWANCE.**—Section 5923 of title 5, United States Code, is amended—

(1) by striking out “When” and inserting in lieu thereof “(a) When”;

(2) in paragraph (1) (in the matter before subparagraph (A))—

(A) by striking “lodging” and inserting “subsistence”; and

(B) by inserting “(including meals and laundry expenses)” after “quarters”;

(3) in paragraph (1)(A), by striking “3 months” and inserting “90 days”;

(4) in paragraph (1)(B), by striking “1 month” and inserting “30 days”; and

(5) by adding at the end the following:

“(b) The 90-day period under subsection (a)(1)(A) and the 30-day period under subsection (a)(1)(B) may each be extended for not more than 60 additional days if the head of the agency concerned or his designee determines that there are compelling reasons beyond the

control of the employee for the continued occupancy of temporary quarters.”.

(e) **COST-OF-LIVING ALLOWANCES.**—Section 5924 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “Columbia.” and inserting “Columbia, except that employees receiving the temporary subsistence allowance under section 5923(1) are ineligible for a post allowance under this paragraph.”;

(2) in paragraph (2)—

(A) in the matter before subparagraph (A), by striking “expenses,” and inserting “subsistence and other relocation expenses (including unavoidable lease penalties),”;

(B) in subparagraph (A), by inserting “the Commonwealth of the Northern Mariana Islands,” after “Puerto Rico,”; and

(C) in subparagraph (B), by striking “between assignments to posts in foreign areas.” and inserting “after the employee agrees in writing to remain in Government service for 12 months after transfer, unless separated for reasons beyond the control of the employee that are acceptable to the agency concerned.”; and

(3) in paragraph (4)—

(A) in the matter before subparagraph (A), by striking “dependents,” and inserting “dependents (or, to the extent education away from post is involved, official assignment to service in such area or areas),”;

(B) in subparagraph (A), by striking “United States,” and inserting “United States (including such educational services as are provided by the States under the Individuals with Disabilities Education Act),”;

(C) in subparagraph (B)—

(i) in the first sentence by striking “undergraduate college education” and inserting “postsecondary educational institution education (other than a program of post-baccalaureate education)”;

(ii) in the third sentence by striking “undergraduate college education” and inserting “postsecondary educational institution education (other than a program of post-baccalaureate education)”;

(iii) by adding at the end the following: “For the purposes of this subparagraph, the term ‘educational institution’ has the meaning defined under section 1701(a)(6) of title 38.”.

SEC. 148. VOLUNTARY LEAVE BANK PROGRAM.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking out “and (B)” and inserting in lieu thereof “(B) programs for voluntary transfers of such leave and voluntary leave banks, which shall, to the extent practicable, be established in a manner consistent with the provisions of subchapters III and IV, respectively, of chapter 63 of title 5, United States Code, and (C)”.

SEC. 149. REASSIGNMENT AND RETIREMENT OF PRESIDENTIAL AP- POINTEES.

Section 813 of the Foreign Service Act of 1980 (22 U.S.C. 4053) is amended to read as follows:

"SEC. 813. REASSIGNMENT AND RETIREMENT OF FORMER PRESIDENTIAL APPOINTEES.—(a) Except as provided under subsection (b), a participant, who completes an assignment under section 302(b) in a position to which he or she was appointed by the President, shall be offered reassignment within 90 days after the termination of such assignment and any period of authorized leave.

"(b) Subsection (a) shall not apply with respect to a participant, if the Secretary of State determines that reassignment of the participant is not in the interest of the United States and the Foreign Service.

"(c) A participant who is not reassigned under subsection (a) shall be retired from the Service and receive retirement benefits in accordance with section 806 or 855, as appropriate."

SEC. 150. COMMISSION TO STUDY PERSONNEL QUESTIONS AT THE DEPARTMENT OF STATE.

(a) MEMBERSHIP.—

(1) Within 90 days of the date of enactment of this Act, the Secretary of State shall appoint seven distinguished members, at least six of whom shall have a minimum of ten years experience in personnel management, to examine personnel issues affecting both Foreign Service and Civil Service employees at the Department of State.

(2) Appointments to the Commission shall be made in consultation with the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Post Office and Civil Service of the House of Representatives, and exclusive representatives (as defined in section 1002(9) of the Foreign Service Act of 1980).

(3) The Secretary of State may reappoint members who served on the Commission authorized under section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(4) At least two members of the Commission shall have specialized knowledge of the Civil Service in the Department of State.

(b) IMPLEMENTATION REPORT.—Not later than one year after the date of enactment of this Act, the Commission shall report to the Chairmen and ranking Members of the appropriate committees of the Congress on the extent to which the Department of State has implemented recommendations of the Commission authorized in section 171 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(c) REPORT ON PERSONNEL MATTERS AND CONDITIONS.—

(1) Not more than one year after the date of enactment of this Act, the Commission shall issue a written report to the appropriate committees of the Congress on State Department personnel questions affecting the effective conduct of foreign policy and the efficiency, cost effectiveness, and morale of State Department employees.

(2) The Commission report required under this subsection shall include the following topics:

(A) Matters related to section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007) relating to senior Foreign Service Officers who were working under section 607(d)(2) temporary career extensions on June 2, 1990, and who, because the 14-year time-in-class benefit had been denied

them, were involuntarily retired under section 607 after June 2, 1990.

(B) An examination of the contribution of Civil Service personnel to the fulfillment of the mission of the Department of State, including—

(i) recommendations as to how the needs and standing of such employees might be more fully recognized by the Department as full partners in the successful conduct of foreign policy; and

(ii) recommendations as to how Civil Service positions may be better utilized or structured in the Department and abroad to enhance the institutional memory on evolving foreign policy issues.

(C) A study of the management and practices at the United States Mission to the United Nations, taking into account the recommendations of recent reports of the Inspector General of the Department of State.

(d) Definition.—As used in this section the term “appropriate committees of the Congress” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Post Office and Civil Service of the House of Representatives.

22 USC 4012a.

SEC. 151. FOREIGN NATIONAL EMPLOYEES SEPARATION PAY.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to provide separation pay for foreign national employees of agencies of the United States Government, other than the Department of Defense.

(b) FUNDING.—There shall be deposited in such account—

(1) all amounts previously obligated for accrued separation pay of foreign national employees of such agencies of the United States Government; and

(2) amounts obligated for fiscal years after 1991 by such agencies for the current and future costs of separation pay of foreign national employees.

(c) AVAILABILITY.—Amounts shall be deposited in the fund annually and are authorized to be available until expended.

(d) EXPENDITURES FROM THE FUND.—Amounts deposited in the fund shall be available for expenditure to make separation payments to foreign national employees in countries in which such pay is legally authorized.

SEC. 152. LOCAL COMPENSATION PLANS FOR UNITED STATES CITIZENS RESIDING ABROAD.

(a) AUTHORITY.—Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended—

(1) in the first sentence, by inserting after “Service,” the following: “United States citizens employed in the Service abroad who were hired while residing abroad,”; and

(2) in the second sentence, by inserting after “wages” the following: “to United States citizens employed in the Service abroad who were hired while residing abroad and”.

(b) EMPLOYMENT PROGRAMS.—Section 408(b) of such Act is amended by inserting after “foreign nationals” the following: “, are United States citizens employed in the Service abroad who were hired while residing abroad,”.

SEC. 153. GRIEVANCES BASED ON ALLEGED DISCRIMINATION.

(a) SCOPE OF GRIEVANCES.—(1) Section 1101(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4131(a)(1)) (hereinafter in this section referred to as “the Act”) is amended—

(A) by striking “and” at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting “; and”; and

(C) by adding at the end the following:

“(H) any discrimination prohibited by—

“(i) section 717 of the Civil Rights Act of 1964,

“(ii) section 6(d) of the Fair Labor Standards Act of 1938,

“(iii) section 501 of the Rehabilitation Act of 1973,

“(iv) sections 12 and 15 of the Age Discrimination in Employment Act of 1967, or

“(v) any rule, regulation, or policy directive prescribed under any provision of law described in clauses (i) through (iv).”.

(2) Section 1101(b) of the Act (22 U.S.C. 4131(b)) is amended—

(A) in paragraph (4) by striking “section 1109(b).” and inserting “section 1109(a)(2).”; and

(B) by adding at the end (as a flush left sentence) the following:

“Nothing in this subsection shall exclude any act, omission, or condition alleged to violate any law, rule, regulation, or policy directive referred to in subsection (a)(1)(H) from such term.”.

(b) LIMITATION ON FILING OF CERTAIN GRIEVANCES.—Section 1104(a) of the Act (22 U.S.C. 4134(a)) is amended—

(1) by inserting “under this chapter” before “unless”; and

(2) by adding at the end the following:

“(c)(1) In applying subsection (a) with respect to an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), the reference to ‘3 years’ shall be deemed to read ‘180 days’, subject to paragraph (2).

“(2) If the occurrence or occurrences giving rise to the grievance are alleged to have occurred while the grievant was assigned to a post abroad, the 180-day period provided for under paragraph (1) shall not commence until the earlier of—

“(A) the date as of which the grievant is no longer assigned to such post; or

“(B) the expiration of the 18-month period beginning on the date of the occurrence giving rise to the grievance or the last such occurrence, as the case may be.”.

(c) SUBSTANTIVE LAW TO BE APPLIED.—Section 1107 of the Act (22 U.S.C. 4137) is amended by adding at the end the following:

“(f) The Board shall, with respect to any grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), apply the substantive law that would be applied by the Equal Employment Opportunity Commission if a charge or claim alleging discrimination under such law, rule, regulation, or policy directive had been filed with the commission.”.

(d) RELATIONSHIP TO OTHER REMEDIES.—(1) Section 1109 of the Act (22 U.S.C. 4139) is amended—

(A) in subsection (a) by striking “(a)” and inserting “(a)(1)”; and

(B) in subsection (b)—

- (i) by striking “(b)” and inserting “(2)”;
- (ii) by striking “subsection (a),” and inserting “paragraph (1),”;
- (iii) by striking “under this section” and inserting “under this subsection”; and
- (iv) by adding after paragraph (2), as so redesignated by clause (i), the following:

“(3) This subsection shall not apply to any grievance with respect to which subsection (b) applies.”; and

(C) by adding at the end the following:

“(b)(1) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), a grievant may either—

“(A) file a grievance under this chapter, or

“(B) initiate in writing a proceeding under another provision of law, regulation, or Executive order that authorizes relief, but not both.

“(2) A grievant shall be considered to have exercised the option under paragraph (1) as soon as the grievant timely either—

“(A) files a grievance under this chapter, or

“(B) initiates in writing a proceeding under such other provision of law, regulation, or Executive order.”.

(2) Section 1015(d) of the Act (22 U.S.C. 4115(d)) is amended by striking “section 1109(b),” and inserting “section 1109(a)(2),”.

(e) JUDICIAL REVIEW.—Section 1110 of the Act (22 U.S.C. 4140) is amended—

(1) by striking “Any” and inserting “(a) Any”;

(2) by adding after the second sentence the following new sentence: “This subsection shall not apply to any grievance with respect to which subsection (b) applies.”; and

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

“(b)(1) For purposes of this subsection, the term ‘aggrieved party’ means a grievant.

“(2) With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 1101(a)(1)(H), judicial review of whether the act, omission, or condition that is the basis of the grievance violates such law, rule, regulation, or policy directive may be obtained by an aggrieved party only if such party commences a civil action, not later than 90 days after such party receives notice of the final action of the Secretary or the Board, in an appropriate district court of the United States for de novo review.”.

(f) APPLICABILITY.—The amendments made by this section shall not apply with respect to any grievance (within the meaning of section 1101 of the Act, as amended by this section) arising before the date of enactment of this Act.

22 USC 4115
note.

Reports.

SEC. 154. COMPENSATION FOR LOSS OF PERSONAL PROPERTY INCIDENT TO SERVICE.

Not later than 90 days after enactment of this Act, the Department of State shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives, a report on the need for the establishment of a mechanism to compensate employees of the Department of State who have legitimate claims resulting from loss of personal property under circumstances set forth in the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721c), and

whose losses exceed the amounts covered in such Act. This report shall include legislative recommendations, if necessary, to implement these recommendations. Losses covered by this report shall include legitimate claims for losses incurred in Mogadishu, Somalia.

SEC. 155. LANGUAGE TRAINING IN THE FOREIGN SERVICE.

22 USC 4001
note.

The Department of State, the Department of Commerce, and the United States Information Agency shall ensure that the precepts for promotion of Foreign Service employees provide that end-of-training reports for employees in full-time language training shall be weighed as heavily as the annual employee efficiency reports, in order to ensure that employees in language training are not disadvantaged in the promotion process.

PART E—INTERNATIONAL ORGANIZATIONS

SEC. 161. MATERIAL DONATIONS TO UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of the Congress that the Permanent Representative of the United States to the United Nations should work to ensure that in-kind contributions by the United States and other nations to the United Nations peacekeeping forces are included at their full value when calculating the contributions to United Nations peacekeeping forces.

SEC. 162. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

22 USC 287e
note.

(a) **ASSESSED CONTRIBUTIONS.**—For assessed contributions authorized to be appropriated by section 102 of this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states who are major financial contributors to such assessed budgets.

(b) **NOTICE TO CONGRESS.**—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or his representative) and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

President.

(c) **CONTRIBUTIONS FOR PRIOR YEARS.**—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) of this section, section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) and section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) if such payment would further United States interests in that organization.

(d) **REPORT TO CONGRESS.**—Not later than February 1 of each year, the President shall submit a report to the Congress concerning the

President.

payment of assessed contributions to the United Nations and any of its specialized agencies during the preceding calendar year.

(e) **REPEAL OF EXISTING LAW.**—Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and section 405 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, are repealed.

22 USC 287e
note.

SEC. 163. REPORT TO CONGRESS CONCERNING UNITED NATIONS SECONDMENT.

Section 701 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 287e note) is amended—

- (1) by striking out subsection (b); and
- (2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 164. PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES.

(a) **REPEAL.**—The Act of June 18, 1926 (22 U.S.C. 269) is repealed.
(b) **AUTHORITY.**—The President is authorized to maintain membership of the United States in the Permanent International Association of Road Congresses.

President.
22 USC 269.

SEC. 165. INTERNATIONAL BOUNDARY AND WATER COMMISSION.

Section 103 of the Act of September 13, 1950 (22 U.S.C. 277d-3), is amended—

(1) by inserting “official entertainment and other representation expenses within the United States for the United States section;” after “guard purposes;”; and

(2) by striking out the period at end thereof and inserting in lieu thereof “: *Provided further*, That the United States Commissioner shall prepare, within 30 days after the end of each fiscal year, a report of all expenditures during that year for official entertainment and other representation expenses, which shall be available for public inspection.”.

Reports.

SEC. 166. INTERNATIONAL FISHERIES COMMISSIONS ADVANCE PAYMENTS.

Section 3 of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2670) is amended—

(1) at the end of subsection (j) by striking out “and”;

(2) in subsection (k) by striking out the period and inserting in lieu thereof “; and”;

(3) by adding after subsection (k) the following new subsection:

“(l) make payments in advance, of the United States share of necessary expenses for international fisheries commissions, from appropriations available for such purpose.”.

SEC. 167. JAPAN-UNITED STATES FRIENDSHIP COMMISSION.

Section 6 of the Japan-United States Friendship Act (22 U.S.C. 2905) is amended in paragraph (4) by inserting “or for not more than 50 percent of administrative expenses in the United States” after “Japan”.

22 USC 2761.

SEC. 168. BRITISH-AMERICAN INTERPARLIAMENTARY GROUP.

(a) **ESTABLISHMENT AND MEETINGS.**—Not to exceed 24 Members of Congress shall be appointed to meet annually and when the Con-

gress is not in session (except that this restriction shall not apply to meetings held in the United States), with representatives of the House of Commons and the House of Lords of the Parliament of Great Britain for discussion of common problems in the interest of relations between the United States and Great Britain. The Members of Congress so appointed shall be referred to as the "United States group" of the United States Interparliamentary Group.

(b) **APPOINTMENT OF MEMBERS.**—Of the Members of Congress appointed for purposes of this section—

(1) half shall be appointed by the Speaker of the House of Representatives from among Members of the House (not less than 4 of whom shall be members of the Committee on Foreign Affairs), and

(2) half shall be appointed by the President Pro Tempore of the Senate, upon recommendations of the majority and minority leaders of the Senate, from among Members of the Senate (not less than 4 of whom shall be members of the Committee on Foreign Relations) unless the majority and minority leaders of the Senate determine otherwise.

(c) **CHAIR AND VICE CHAIR.**—(1) The Chair or Vice Chair of the House delegation of the United States group shall be a member from the Committee on Foreign Affairs.

(2) The President Pro Tempore of the Senate shall designate the Chair or Vice Chair of the Senate delegation.

(d) **FUNDING.**—There is authorized to be appropriated \$50,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is made, half of which shall be for the House delegation and half of which shall be for the Senate delegation. The House and Senate portions of such appropriations shall be disbursed on vouchers to be approved by the Chair of the House delegation and the Chair of the Senate delegation, respectively.

(e) **CERTIFICATION OF EXPENDITURES.**—The certificate of the Chair of the House delegation or the Senate delegation of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

(f) **ANNUAL REPORT.**—The United States group shall submit to the Congress a report for each fiscal year for which an appropriation is made for the United States group, which shall include its expenditures under such appropriation.

(g) **INTERPARLIAMENTARY CONFERENCE OF NORTH ATLANTIC ASSEMBLY.**—Section 5 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928e), is amended by inserting immediately after the first sentence the following: "In addition to amounts authorized by section 2, there is authorized to be appropriated \$550,000 for fiscal year 1994 to meet the expenses incurred by the United States group in hosting the fortieth annual meeting of the North Atlantic Assembly."

SEC. 169. UNITED STATES DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE).

22 USC 276m.

(a) **ESTABLISHMENT.**—In accordance with the allocation of seats to the United States in the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (hereinafter referred to as

the "CSCE Assembly") not to exceed 17 Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other Conference on Security and Cooperation in Europe (CSCE) member-nations for the purposes of—

(1) assessing the implementation of the objectives of the CSCE;

(2) discussing subjects addressed during the meetings of the Council of Ministers for Foreign Affairs and the biennial Summit of Heads of State or Government;

(3) initiating and promoting such national and multilateral measures as may further cooperation and security in Europe.

(b) APPOINTMENT OF DELEGATION.—For each meeting of the CSCE Assembly, there shall be appointed a United States Delegation, as follows:

(1) In 1992 and every even-numbered year thereafter, 9 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Affairs); and 8 Members shall, upon recommendations of the Majority and Minority leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Vice Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise).

(2) In every odd-numbered year beginning in 1993, 9 Members shall, upon recommendation of the Majority and Minority Leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise); and 8 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Vice Chairman, shall be from the Committee on Foreign Affairs).

(c) ADMINISTRATIVE SUPPORT.—For the purpose of providing general staff support and continuity between successive delegations, each United States Delegation shall have 2 secretaries (one of whom shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives and one of whom shall be appointed by the Chairman of the Delegation of the Senate).

(d) FUNDING.—

(1) UNITED STATES PARTICIPATION.—There is authorized to be appropriated for each fiscal year \$80,000 to assist in meeting the expenses of the United States delegation. For each fiscal year for which an appropriation is made under this subsection, half of such appropriation may be disbursed on voucher to be approved by the Chairman and half of such appropriation may be disbursed on voucher to be approved by the Vice Chairman.

(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to this subsection are authorized to be available until expended.

(e) **ANNUAL REPORT.**—The United States Delegation shall, for each fiscal year for which an appropriation is made, submit to the Congress a report including its expenditures under such appropriation. The certificate of the Chairman and Vice Chairman of the United States Delegation shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Delegation.

SEC. 170. REPORT CONCERNING THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION.

Not later than 270 days after the date of the enactment of this Act, the Secretary of State (in consultation with the heads of all appropriate bureaus and offices of the Department of State) shall prepare and submit to the Congress a report on the activities after April 30, 1990 of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

SEC. 171. REPORT OF COMMISSION ON SECURITY AND COOPERATION IN EUROPE.

Section 5 of the Act entitled “An Act establishing a Commission on Security and Cooperation in Europe”, approved June 3, 1976 (22 U.S.C. 3005), is amended—

- (1) by striking out “a semiannual” before “report” and inserting in lieu thereof “an annual”; and
- (2) by striking out “the first one to be submitted six months after the date of enactment of this Act” after “report”.

SEC. 172. INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE REPORT.

It is the sense of the Congress regarding negotiations taking place in the Intergovernmental Negotiating Committee that the framework convention should seek to provide for commitments by all nations to—

- (1) improved coordination of research activities and monitoring of global climate change;
- (2) adoption of measures that are justified for a variety of reasons and which also have the effect of limiting or adapting to any adverse effects of climate change;
- (3) establishment of national strategies to address climate change and to make public accounting of the elements of such strategy and the effect on net emissions of greenhouse gases;
- (4) establishment of verifiable goals for net reductions of greenhouse gases by all nations in an equitable manner; and
- (5) the development of plans by each country to reach those goals.

SEC. 173. INTER-AMERICAN FOUNDATION.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—The first sentence of section 401(s)(2) of the Foreign Assistance Act of 1969 is amended to read as follows: “There are authorized to be appropriated \$28,800,000 for fiscal year 1992 and \$31,000,000 for fiscal year 1993 to carry out this section.”

22 USC 290f.

(b) **BOARD OF DIRECTORS.**—

- (1) **QUALIFICATIONS.**—Section 401(g) of that Act is amended by adding at the end the following: “All individuals appointed to the Board shall possess an understanding of and sensitivity to

community level development processes. No more than 5 members of the Board may be members of any one political party.”

22 USC 290f
note.

(2) **TRANSITION RULE.**—The requirements established by the amendment made by paragraph (1) do not affect appointments made to the Board of the Inter-American Foundation before the date of enactment of this Act.

22 USC 290f.

(c) **PRINCIPAL OFFICE.**—Section 401(q) of that Act is amended to read as follows:

“(q) The Foundation shall maintain its principal office in the metropolitan Washington, D.C., area. The Foundation may establish agencies, branch offices, or other offices in any place or places outside the United States in which the Foundation may carry on all or any of its operations and business.”

(d) **EXPENSES FOR MEETINGS AND PRINTING.**—Section 401 of that Act is amended by adding at the end the following:

“(v) Funds made available to the Foundation may be used for the expenses described in section 1345 of title 31 of the United States Code (relating to travel, transportation, and subsistence expenses for meetings).

“(w) Funds made available to the Foundation may be used for printing and binding without regard to section 501 of title 44, United States Code.”

(e) **RELATION TO AMENDMENTS IN FOREIGN RELATIONS AUTHORIZATION ACT.**—If the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, contains amendments to section 401 of the Foreign Assistance Act of 1961 that are identical to the amendments described in this section, then whichever of such amendments are enacted later shall not be effective.

SEC. 174. HOUSING BENEFITS OF THE UNITED STATES MISSION TO THE UNITED NATIONS.

(a) **REVIEW.**—The Secretary of State shall conduct a review and evaluation of policies and procedures for the provision of housing benefits (including leased housing, housing allowances, differential payments, or any comparable benefit) to United States Government personnel assigned to the United States Mission to the United Nations. Such review shall consider the December 1989 recommendations of the Inspector General of the Department of State concerning housing benefits, and other recommendations as appropriate.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a comprehensive report of the findings of such review and evaluation to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. Such report shall include, but not be limited to—

(1) a summary of all leased housing policy changes;

(2) information concerning implementation of recommendations of the Inspector General for the Department of State, including an explanation for not implementing any recommendation made by the Inspector General; and

(3) designation of positions at the United States Mission to the United Nations which require the incumbent to live in the Borough of Manhattan, and specific justification for such designation.

SEC. 175. ENHANCED SUPPORT FOR UNITED NATIONS PEACEKEEPING.

(a) **ACTIONS BY THE SECRETARY GENERAL OF THE UNITED NATIONS.**—The Secretary of State, through the United States Representative to the United Nations, should propose to the Secretary General of the United Nations that the United Nations should explore means, including procedures and organizational initiative, for expediting the implementation of peacekeeping operations authorized by the Security Council.

(b) **REPORT OF THE SECRETARY OF STATE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report which makes recommendations concerning changes in United States law which would enhance the United States participation in peacekeeping operations authorized by the United Nations. Such report shall include legislative recommendations to expedite the use of appropriated funds for peacekeeping purposes on an emergency basis.

SEC. 176. SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.

(a) **LIMITATION.**—Of the funds authorized to be appropriated under section 101(a)(1) for “Salaries and Expenses” of the Department of State, \$1,000,000 shall be available only after the submission of the report under subsection (b).

(b) **REPORT TO CONGRESS.**—Not later than March 1, 1992, the Secretary of State shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the international organizations listed in subsection (c). Such report shall include the following information with respect to each international organization:

- (1) The purpose and activities of the organization.
- (2) The political and economic benefits to the United States of membership in the organization.
- (3) The effect on United States consumers and importers of the activities and policies of the organization.

(c) **SPECIAL PURPOSE INTERNATIONAL ORGANIZATIONS.**—The following international organizations shall be included in the report under this section:

- (1) International Center for the Study of Preservation and Restoration of Cultural Property.
- (2) International Coffee Organization.
- (3) International Cotton Advisory Committee.
- (4) International Hydrographic Organization.
- (5) International Jute Organization.
- (6) International Lead and Zinc Study Group.
- (7) International Rubber Organization.
- (8) International Office of Epizootics.
- (9) International Organization for Legal Metrology.
- (10) International Rubber Study Group.
- (11) International Sugar Organization.
- (12) International Tropical Timber Organization.
- (13) International Union for the Conservation of Nature and Natural Resources.
- (14) Permanent International Association of Road Congresses.
- (15) World Tourism Organization.

SEC. 177. GREAT LAKES FISHERY COMMISSION.

Of the amounts authorized to be appropriated by section 103(4) of this Act, there is authorized to be appropriated up to \$8,200,000 for fiscal year 1992 and up to \$12,300,000 for fiscal year 1993 for the purpose of enabling the Department of State to carry out its authority, function, duty, and responsibility in the conduct of foreign affairs of the United States in connection with the Great Lakes Fishery Commission.

SEC. 178. INTER-AMERICAN ORGANIZATIONS.

(a) **POLICY.**—Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, the Congress believes that the Secretary of State, in allocating the level of resources for the “International Organizations and Commissions” account, should pay particular attention to funding levels of the Inter-American organizations.

(b) **FINDING.**—The Congress finds that the work done by these organizations has been of great benefit to the region, and the United States itself has experienced a positive return from their efforts.

SEC. 179. INTERNATIONAL COFFEE ORGANIZATION.

It is the sense of the Congress that the President should give the highest priority to the interests of United States consumers in shaping United States policy toward a new international coffee agreement.

22 USC 2686a.

SEC. 180. APPOINTMENT OF SPECIAL COORDINATOR FOR WATER POLICY NEGOTIATIONS AND WATER RESOURCES POLICY.

(a) **DESIGNATION.**—The Secretary of State shall designate a Special Coordinator—

(1) to coordinate the United States Government response to international water resource disputes and needs;

(2) to represent the United States Government, whenever appropriate, in multilateral fora in discussions concerning access to fresh water; and

(3) to formulate United States policy to assist in the resolution of international problems posed by the lack of fresh water supplies.

(b) **OTHER RESPONSIBILITIES.**—The individual designated under subsection (a) may carry out the functions of subsection (a) in addition to other assigned responsibilities.

Reports.

22 USC 276c-4.

SEC. 181. EMPLOYMENT OF UNITED STATES CITIZENS BY CERTAIN INTERNATIONAL ORGANIZATIONS.

Not less than 180 days after enactment of this Act, and each year thereafter, the Secretary of State shall submit a report to the Congress concerning each international organization which had a geographic distribution formula in effect on January 1, 1991, of whether each such organization—

(1) is taking good faith steps to increase the staffing of United States citizens; and

(2) has met its geographic distribution formula.

PART F—MISCELLANEOUS PROVISIONS**SEC. 191. TRAVEL ADVISORY FOR JALISCO, MEXICO.**

Section 134 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 is repealed.

99 Stat. 421.

SEC. 192. IMPLEMENTATION OF THE NAIROBI FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN.

(a) **REPORT TO CONGRESS.**—Two years after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report on the progress of the United States implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women (Nairobi Strategies), as adopted by the 40th session of the United Nations General Assembly in Resolution 40/108 on December 13, 1985.

(b) **FINAL REPORT.**—Not later than 90 days prior to the 1995 deadline for submission of the report to the United Nations Secretary General on the United States implementation of the Nairobi Strategies, the Secretary of State shall submit to the Congress a preliminary version of such report.

SEC. 193. STUDY OF TECHNICAL SECURITY AND COUNTERINTELLIGENCE CAPABILITIES.

(a) **STUDY BY INSPECTOR GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of State shall initiate, with the cooperation of other appropriate Federal agencies, a study of the overseas technical security and counterintelligence capabilities and practices of the Department of State. The study shall be completed not later than one year after the date of enactment of this Act.

(b) **CONTENT.**—The study shall evaluate—

(1) the overseas technical security and counterintelligence capabilities of the Department of State since the enactment of the Omnibus Diplomatic Security and Antiterrorism Act of 1986;

(2) the level of the State Department's capabilities in technical security and counterintelligence relative to the technical and human intelligence threats identified by other appropriate Federal agencies; and

(3) whether the Department of State is the most appropriate Federal agency to carry out overseas technical security and counterintelligence functions.

(c) **REPORT TO CONGRESS.**—Not later than 400 days after the date of the enactment of this Act, the Inspector General of the Department of State shall prepare and submit, with the cooperation of other appropriate Federal agencies, a written report of the findings of such study to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The Inspector General may submit such report in classified form.

SEC. 194. STUDY OF SEXUAL HARASSMENT AT THE DEPARTMENT OF STATE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department of State has been negligent in carrying out section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, "Study of Sexual Harassment at the Department of State".

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of State shall report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the reasons for the Department's negligence in adhering to deadlines required by law in implementing section 155 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and what steps, if any, the Department has taken to prevent such a failure from recurring.

22 USC 2679b.

SEC. 195. PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

If it has been finally determined by a court or Federal agency that a person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract from the Department of State, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

22 USC 2680-1.

SEC. 196. DEADLINE FOR RESPONSES TO QUESTIONS FROM CONGRESSIONAL COMMITTEES.

(a) **IN GENERAL.**—An officer or employee of the Department of State to whom a written or oral question is addressed by any member of a committee specified in subsection (b), acting within his official capacity, shall respond to such question within 21 days unless the Secretary of State submits a letter to such member explaining why a timely response cannot be made.

(b) **SPECIFIED COMMITTEES.**—The committees referred to in subsection (a) are the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

22 USC 2656h.

SEC. 197. INTERNATIONAL CREDIT REPORTS.

(a) **REPORT ON LOAN CRITERIA.**—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of State for Economic and Business Affairs, in consultation with the Secretary of the Treasury, shall submit to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives a report setting forth clear criteria for bilateral loans by which the United States can determine the likelihood of repayment by a country seeking to receive United States loans. The report should include the criteria used for—

- (1) assessing country risk;
- (2) projecting loan repayments; and
- (3) estimating subsidy levels.

(b) **REPORTS ON LOANS.**—Beginning 180 days after the submission of the report in subsection (a) and annually thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives showing actual repayments by country and by program to the United States Government for the previous 5 years and the scheduled repayments to the United States Government for the next 5 years.

SEC. 198. THE FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES.

(a) **AMENDMENT.**—The State Department Basic Authorities Act of 1956 is amended by adding at the end thereof the following new title:

“TITLE IV—FOREIGN RELATIONS OF THE UNITED STATES HISTORICAL SERIES**“SEC. 401. GENERAL AUTHORITY AND CONTENTS OF PUBLICATION.**

22 USC 4351.

“(a) **CHARTER OF THE PUBLICATION.**—The Department of State shall continue to publish the ‘Foreign Relations of the United States historical series’ (hereafter in this title referred to as the ‘FRUS series’), which shall be a thorough, accurate, and reliable documentary record of major United States foreign policy decisions and significant United States diplomatic activity. Volumes of this publication shall include all records needed to provide a comprehensive documentation of the major foreign policy decisions and actions of the United States Government, including the facts which contributed to the formulation of policies and records providing supporting and alternative views to the policy position ultimately adopted.

“(b) **EDITING PRINCIPLES.**—The editing of records for preparation of the FRUS series shall be guided by the principles of historical objectivity and accuracy. Records shall not be altered and deletions shall not be made without indicating in the published text that a deletion has been made. The published record shall omit no facts which were of major importance in reaching a decision, and nothing shall be omitted for the purpose of concealing a defect of policy.

“(c) **DEADLINE FOR PUBLICATION OF RECORDS.**—The Secretary of State shall ensure that the FRUS series shall be published not more than 30 years after the events recorded.

“SEC. 402. RESPONSIBILITY FOR PREPARATION OF THE FRUS SERIES.

22 USC 4352.

“(a) IN GENERAL.—

“(1)(A) The Historian of the Department of State shall be responsible for the preparation of the FRUS series, including the selection of records, in accordance with the provisions of this title.

“(B) The Advisory Committee on Historical Diplomatic Documentation shall review records, and shall advise and make recommendations to the Historian concerning all aspects of preparation and publication of the FRUS series, including, in accordance with the procedures contained in section 403, the review and selection of records for inclusion in volumes of the series.

“(2) Other departments, agencies, and other entities of the United States Government shall cooperate with the Office of the Historian by providing full and complete access to the records pertinent to United States foreign policy decisions and actions and by providing copies of selected records in accordance with the procedures developed under section 403, except that no access to any record, and no provision of any copy of a record, shall be required in the case of any record that was prepared less than 26 years before the date of a request for such access or copy made by the Office of the Historian.

“(b) NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—Notwithstanding any other provision of this title, the requirement for the National Archives and Records Administration to provide access to, and copies of, records to the Department of State for the FRUS series shall be governed by chapter 21 of title 44, United States Code, by any agreement concluded between the Department of State and the National Archives and Records Administration, and, in the case of Presidential records, by section 2204 of such title.

22 USC 4353.

“SEC. 403. PROCEDURES FOR IDENTIFYING RECORDS FOR THE FRUS SERIES; DECLASSIFICATION, REVISIONS, AND SUMMARIES.

“(a) DEVELOPMENT OF PROCEDURES.—Not later than 180 days after the date of enactment of this title, each department, agency, or other entity of the United States Government engaged in foreign policy formulation, execution, or support shall develop procedures for its historical office (or a designated individual in the event that there is no historical office)—

“(1) to coordinate with the State Department’s Office of the Historian in selecting records for possible inclusion in the FRUS series;

“(2) to permit full access to the original, unrevised records by such individuals holding appropriate security clearances as have been designated by the Historian as liaison to that department, agency, or entity, for purposes of this title, and by members of the Advisory Committee; and

“(3) to permit access to specific types of records not selected for inclusion in the FRUS series by the individuals identified in paragraph (2) when requested by the Historian in order to confirm that records selected by that department, agency, or entity accurately represent the policymaking process reflected in the relevant part of the FRUS series.

“(b) DECLASSIFICATION REVIEW.—

“(1) Subject to the provisions of this subsection, records selected by the Historian for inclusion in the FRUS series shall be submitted to the respective originating agency for declassification review in accordance with that agency’s procedures for such review, except that such declassification review shall be completed by the originating agency within 120 days after such records are submitted for review. If the originating agency determines that any such record is not declassifiable because of a continuing need to protect sources and methods for the collection of intelligence information or to protect other sensitive national security information, then the originating agency shall attempt to make such deletions in the text as will make the record declassifiable.

“(2) If the Historian determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1) that publication in that condition could be misleading or lead to an inaccurate or incomplete historical record, then the Historian shall take steps to achieve a satisfactory resolution of the problem with the originating agency. Within 60 days of receiving a proposed solution from the Historian, the originating agency shall furnish the Historian a written response agreeing to the solution or explaining the reasons for the alteration or deletion.

“(3) The Historian shall inform the Advisory Committee of any failure by an originating agency to complete its declassification review of a record within 120 days and of any steps taken under paragraph (2).

“(4) If the Advisory Committee determines that the meaning of the records proposed for inclusion in a volume of the FRUS series would be so altered or changed by deletions made under paragraph (1), or if the Advisory Committee determines as a result of inspection of other documents under subsection (a)(3) that the selection of documents could be misleading or lead to an inaccurate or incomplete historical record, then the Advisory Committee shall so advise the Secretary of State and submit recommendations to resolve the issue.

“(5)(A) The Advisory Committee shall have full and complete access to the original text of any record in which deletions have been made. In the event that the head of any originating agency considers it necessary to deny access by the Advisory Committee to the original text of any record, that agency head shall promptly notify the Advisory Committee in writing, describing the nature of the record in question and the justification for withholding that record.

“(B) The Historian shall provide the Advisory Committee with a complete list of the records described in subparagraph (A).

“(6) If a record is deleted in whole or in part as a result of review under this subsection then a note to that effect shall be inserted at the appropriate place in the FRUS volume.

“SEC. 404. DECLASSIFICATION OF STATE DEPARTMENT RECORDS.

22 USC 4354.

“(a) DEADLINE FOR DECLASSIFICATION.—

“(1) Except as provided in subsection (b), each classified record of permanent historical value (as determined by the Secretary of State and the Archivist of the United States) which was published, issued, or otherwise prepared by the Department of State (or any officer or employee thereof acting in an official capacity) shall be declassified not later than 30 years after the record was prepared, shall be transferred to the National Archives and Records Administration, and shall be made available at the National Archives for public inspection and copying.

“(2) Nothing in this subsection may be construed to require the declassification of a record wholly prepared by a foreign government.

“(b) EXEMPTED RECORDS.—Subsection (a) shall not apply to any record (or portion thereof) the publication of which the Secretary of State, in coordination with any agency that originated information in the records, determines—

“(1) would compromise weapons technology important to the national defense of the United States or reveal sensitive information relating to the design of United States or foreign military equipment or relating to United States cryptologic systems or activities;

“(2) would disclose the names or identities of living persons who provided confidential information to the United States and would pose a substantial risk of harm to such persons;

“(3) would demonstrably impede current diplomatic negotiations or other ongoing official activities of the United States

Government or would demonstrably impair the national security of the United States; or

“(4) would disclose matters that are related solely to the internal personnel rules and practices of the Department of State or are contained in personnel, medical, or similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

“(c) REVIEW.—

“(1) The Advisory Committee shall review—

“(A) the State Department’s declassification procedures,

“(B) all guidelines used in declassification, including those guidelines provided to the National Archives and Records Administration which are in effect on the date of enactment of this title, and

“(C) by random sampling, records representative of all Department of State records published, issued, or otherwise prepared by the Department of State that remain classified after 30 years.

“(2) In the event that the Secretary of State considers it necessary to deny access to records under paragraph (1)(C), the Secretary shall notify the Advisory Committee in writing, describing the nature of the records in question and the justification for withholding them.

“(d) REPORTING REQUIREMENT.—The Advisory Committee shall annually submit to the Secretary of State a report setting forth its findings from the review conducted under subsection (c).

“(e) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this title, the Secretary of State shall prepare and submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on factors relevant to compliance with this section, and the procedures to be used for implementing the requirements of this section.

22 USC 4355.

“SEC. 405. RELATIONSHIP TO THE PRIVACY ACT AND THE FREEDOM OF INFORMATION ACT.

“(a) PRIVACY ACT.—Nothing in this title may be construed as requiring the public disclosure of records or portions of records protected under section 552a of title 5, United States Code (relating to the privacy of personal records).

“(b) FREEDOM OF INFORMATION ACT.—

“(1) Except as provided in paragraph (2), no record (or portion thereof) shall be excluded from publication in the FRUS series under section 403, or exempted from the declassification requirement of section 404, solely by virtue of the application of section 552(b) of title 5, United States Code (relating to the exemption of certain matters from freedom of information requirements).

“(2) Records described in section 222(f) of the Immigration and Nationality Act (relating to visa records) shall be excluded from publication in the FRUS series under section 403 and, to the extent applicable, exempted from the declassification requirement of section 404.

22 USC 4356.

“SEC. 406. ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—

“(1) There is established on a permanent basis the Advisory Committee on Historical Diplomatic Documentation for the Department of State. The activities of the Advisory Committee shall be coordinated by the Office of the Historian of the Department of State.

“(2) The Advisory Committee shall be composed of 9 members and an executive secretary. The Historian shall serve as executive secretary.

“(3)(A) The members of the Advisory Committee shall be appointed by the Secretary of State from among distinguished historians, political scientists, archivists, international lawyers, and other social scientists who have a demonstrable record of substantial research pertaining to the foreign relations of the United States. No officer or employee of the United States Government shall be appointed to the Advisory Committee.

“(B)(i) Six members of the Advisory Committee shall be appointed from lists of individuals nominated by the American Historical Association, the Organization of American Historians, the American Political Science Association, Society of American Archivists, the American Society of International Law, and the Society for Historians of American Foreign Relations. One member shall be appointed from each list.

“(ii) If an organization does not submit a list of nominees under clause (i) in a timely fashion, the Secretary of State shall make an appointment from among the nominees on other lists.

“(b) TERMS OF SERVICE FOR APPOINTMENTS.—

“(1) Except as provided in paragraph (2), members of the Advisory Committee shall be appointed for terms of three years.

“(2) Of the members first appointed, as designated by the Secretary of State at the time of their appointment (after consultation with the appropriate organizations) three shall be appointed for terms of one year, three shall be appointed for terms of two years, and three shall be appointed for terms of three years.

“(3) Each term of service under paragraph (1) shall begin on September 1 of the year in which the appointment is made.

“(4) A vacancy in the membership of the Advisory Committee shall be filled in the same manner as provided under this subsection to make the original appointment. A member appointed to fill a vacancy occurring before the expiration of a term shall serve for the remainder of that term. A member may continue to serve when his or her term expires until a successor is appointed. A member may be appointed to a new term upon the expiration of his or her term.

“(c) SELECTION OF CHAIRPERSON.—The Advisory Committee shall select, from among its members, a chairperson to serve a term of 1 year. A chairperson may be reelected upon expiration of his or her term as chairperson.

“(d) MEETINGS.—A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall meet at least quarterly or as frequently as may be necessary to carry out its duties.

“(e) SECURITY CLEARANCES.—

“(1) All members of the Advisory Committee shall be granted the necessary security clearances, subject to the standard procedures for granting such clearances.

“(2) For purposes of any law or regulation governing access to classified records, a member of the Advisory Committee seeking access under this paragraph to a record shall be deemed to have a need to know.

“(f) COMPENSATION.—

“(1) Members of the Advisory Committee—

“(A) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Advisory Committee; and

“(B) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Advisory Committee.

“(2) The Secretary of State is authorized to provide for necessary secretarial and staff assistance for the Advisory Committee.

“(3) The Federal Advisory Committee Act shall not apply to the Advisory Committee to the extent that the provisions of this title are inconsistent with that Act.

22 USC 4357.

“SEC. 407. DEFINITIONS.

“For purposes of this title—

“(1) the term ‘Advisory Committee’ means the Advisory Committee on Historical Diplomatic Documentation for the Department of State;

“(2) the term ‘Historian’ means the Historian of the Department of State or any successor officer of the Department of State responsible for carrying out the functions of the Office of the Historian, Bureau of Public Affairs, of the Department of State, as in effect on the date of enactment of this title;

“(3) the term ‘originating agency’ means, with respect to a record, the department, agency, or entity of the United States (or any officer or employee thereof of acting in his official capacity) that originates, develops, publishes, issues, or otherwise prepares that record or receives that record from outside the United States Government; and

“(4) the term ‘record’ includes any written material (including any document, memorandum, correspondence, statistical data, book, or other papers), map, photograph, machine readable material, or other documentary material, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value in them, and such term does not include library or museum material made or acquired and preserved solely for reference or exhibition purposes, any extra copy of a document preserved only for convenience of reference, or any stocks of publications or of processed documents.”.

(b) **PREVIOUS ADVISORY COMMITTEE ON HISTORICAL DIPLOMATIC DOCUMENTATION.**—The Advisory Committee on Historical Documentation for the Department of State established before the date of enactment of this Act shall terminate on such date.

22 USC 4356
note.

(c) **COMPLIANCE.**—

(1) The Secretary of State shall ensure that the requirements of section 404 of the State Department Basic Authorities Act of 1956 (as amended by this section) are met not later than one year after the date of enactment of this Act. If the Secretary cannot reasonably meet the requirements of such section, he shall so notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and describe how the Department of State intends to meet the requirements of that section. In no event shall full compliance with the requirements of such section take place later than 2 years after the date of enactment of this Act.

22 USC 4354
note.

(2)(A) In order to come into compliance with section 401(c) of the State Department Basic Authorities Act of 1956 (as amended by this section) the Secretary of State shall ensure that, by the end of the 3-year period beginning on the date of the enactment of this Act, all volumes of the Foreign Relations of the United States historical series (FRUS) for the years that are more than 30 years before the end of that 3-year period have been published.

22 USC 4351
note.

(B) If the Secretary cannot reasonably meet the requirements of subparagraph (A), the Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and describe how the Department of State plans to meet the requirements of subparagraph (A). In no event shall volumes subject to subparagraph (A) be published later than 5 years after the date of the enactment of this Act.

TITLE II—UNITED STATES INFORMATION- AL, EDUCATIONAL, AND CULTURAL PROGRAMS

PART A—UNITED STATES INFORMATION AGENCY

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—The following amounts are authorized to be appropriated for the United States Information Agency (other than for the Voice of America) to carry out international information, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and to carry out other authorities in law consistent with such purposes:

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, \$423,827,500 for the fiscal year 1992 and \$451,294,000 for the fiscal year 1993.

(2) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General” \$4,206,000 for the fiscal year 1992 and \$4,420,000 for the fiscal year 1993.

(3) NATIONAL ENDOWMENT FOR DEMOCRACY.—For “National Endowment for Democracy”, \$25,000,000 for the fiscal year 1992 and \$31,250,000 for the fiscal year 1993.

(4) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For “Center for Cultural and Technical Interchange between East and West”, \$24,500,000 for the fiscal year 1992 and \$26,000,000 for the fiscal year 1993.

(b) AUTHORIZATION WITHIN “SALARIES AND EXPENSES” ACCOUNT.—Of the amount authorized to be appropriated by subsection (a)(1), \$284,000 is authorized for the fiscal year 1992 for the establishment and operation of a United States Information Agency office in Vientiane, Laos, pursuant to section 216 of this Act, and \$307,000 is authorized for fiscal year 1993 for the continued operation of such office.

SEC. 202. REPROGRAMMING OF FUNDS.

Section 705(a)(7) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1477c(a)(7)) is amended by striking out “\$250,000” and inserting in lieu thereof “\$500,000”.

SEC. 203. AUTHORITY OF THE SECRETARY.

Paragraph (3) of section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended by inserting “and television” after “radio”.

SEC. 204. BASIC AUTHORITY.

Section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended—

- (1) by striking out “and” at the end of paragraph (19);
- (2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof a semicolon; and
- (3) by adding at the end thereof the following new paragraphs:
 - “(21) incur expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);
 - “(22) furnish living quarters as authorized by section 5912 of title 5, United States Code; and
 - “(23) provide allowances as authorized by sections 5921 through 5928 of title 5, United States Code.”

SEC. 205. PAYMENT OF CERTAIN EXPENSES FOR PARTICIPANTS.

Paragraph (9) of section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended to read as follows:

“(9) pay to or for individuals, not United States Government employees, participating in activities conducted under this Act, the costs of emergency medical expenses, preparation and transport to their former homes of the remains of such participants or their dependents who die while away from their homes during such participation, and health and accident insurance premiums for participants or health and accident benefits for participants by means of a program of self-insurance;”

SEC. 206. USIA POSTS AND PERSONNEL OVERSEAS.

(a) USIA POSTS AND PERSONNEL OVERSEAS.—The United States Information and Educational Exchange Act of 1948 is amended by adding after section 811 the following:

“USIA POSTS AND PERSONNEL OVERSEAS

“SEC. 812. (a) LIMITATION.—Except as provided under this section no funds authorized to be appropriated to the United States Information Agency may be used to pay any expense associated with the closing of any United States Information Agency post abroad.

22 USC 1475g.

“(b) NOTIFICATION.—Not less than 45 days before the closing of any United States Information Agency post abroad the Director of the United States Information Agency shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(c) EXCEPTIONS.—This section shall not apply to any United States Information Agency post closed—

“(1) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

“(2) where there is a real and present threat to United States diplomats in the city where the post is located and where a travel advisory warning against travel by United States citizens to the city has been issued by the Department of State.”.

(b) REDUCTIONS IN AMERICAN EMPLOYEES.—Reductions may not be made in the number of positions filled by American employees of the United States Information Agency stationed abroad until the number of such employees is the same percentage of the total number of American employees of the Agency as the number of American employees of the Agency stationed abroad in 1981 was to the total number of American employees at the Agency at the same time in 1981.

22 USC 1475g
note.

(c) REPEAL.—Section 204 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 1461 note) is repealed.

SEC. 207. IMPLEMENTATION OF BEIRUT AGREEMENT.

The first section of the joint resolution entitled “Joint resolution to give effect to the Agreement for facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific, and Cultural Character, approved at Beirut in 1948”, approved October 8, 1966 (19 U.S.C. 2051), is amended by adding at the end the following: “In carrying out this section, such Federal agency or agencies may not consider visual or auditory material to fail to qualify as being of international educational character—

“(1) because it advocates a particular position or viewpoint, whether or not it presents or acknowledges opposing viewpoints;

“(2) because it might lend itself to misinterpretation, or to misrepresentation of the United States or other countries, or their people or institutions;

“(3) because it is not representative, authentic, or accurate or does not represent the current state of factual knowledge of a subject or aspect of a subject unless the material contains widespread and gross misstatements of fact;

“(4) because it does not augment international understanding and goodwill, unless its primary purpose or effect is not to instruct or inform through the development of a subject or an

aspect of a subject and its content is not such as to maintain, increase, or diffuse knowledge; or

“(5) because in the opinion of the agency the material is propaganda.

“Such Federal agency or agencies may not label as propaganda any material that receives a certificate of international educational character under this section and the Agreement.”.

North/South
Center Act of
1991.
22 USC 2075.

SEC. 208. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

(a) **SHORT TITLE.**—This section may be cited as the “North/South Center Act of 1991”.

(b) **PURPOSE.**—The purpose of this section is to promote better relations between the United States and the nations of Latin America and the Caribbean and Canada through cooperative study, training, and research, by supporting in Florida a Center for Cultural and Technical Interchange Between North and South where scholars and students in various fields from the nations of the hemisphere may study, give and receive training, exchange ideas and views, and conduct other activities consistent with the objectives of the Mutual Educational and Cultural Exchange Act of 1961 and other Acts promoting international, educational, cultural, scientific, and related activities of the United States.

(c) **NORTH/SOUTH CENTER.**—In order to carry out the purpose of this section, the Director of the United States Information Agency shall provide for the operation in Florida of an educational institution known as the North/South Center, through arrangements with public, educational, or other nonprofit institutions.

(d) **AUTHORITIES.**—The Director of the United States Information Agency, in carrying out this section, may utilize the authorities of the Mutual Educational and Cultural Exchange Act of 1961. Section 704(b) of the Mutual Security Act of 1960 (22 U.S.C. 2056(b)) shall apply in the administration of this section. In order to carry out the purposes of this section, the North/South Center is authorized to use funds made available under this section to acquire property and facilities, by construction, lease, or purchase.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$5,000,000 for fiscal year 1992 and \$10,000,000 for each subsequent fiscal year to carry out this section. Amounts appropriated under this section are authorized to be available until expended.

Effective date.

(f) **REPEAL.**—Effective October 1, 1991, the section enacted by the third proviso under the heading “EDUCATION AND HUMAN RESOURCES DEVELOPMENT, DEVELOPMENT ASSISTANCE” in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is repealed.

22 USC 2075.

SEC. 209. SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING.

Section 810 of the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4509) is repealed.

22 USC 2452
note.

SEC. 210. CLAUDE AND MILDRED PEPPER SCHOLARSHIP PROGRAM.

(a) **PURPOSE.**—It is the purpose of this section to provide Federal financial assistance to facilitate a program to enable high school and college students from emerging democracies, who are visiting the United States, to spend from one to two weeks in Washington, District of Columbia, observing and studying the workings and

operations of the democratic form of government of the United States.

(b) **GRANTS.**—The Director of the United States Information Agency is authorized to make grants to the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation to carry out the purpose specified in subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,000,000 for fiscal year 1992 to carry out this section, of which not more than \$500,000 is authorized to be available for obligation or expenditure during that fiscal year. Amounts appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 211. PROGRAM REVIEW OF NED.

(a) **ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated under section 201(3), after the submission of the report under subsection (b), there are authorized to be appropriated for the National Endowment for Democracy \$5,000,000 for fiscal year 1992.

(b) **REPORTING REQUIREMENT.**—The National Endowment for Democracy shall submit to the Chairman of the Committee on Foreign Relations and the Speaker of the House of Representatives a comprehensive report concerning the actions of the National Endowment for Democracy and certain grantees (the Free Trade Union Institute, the Center for International Private Enterprise, the National Republican Institute for International Affairs, and the National Democratic Institute for International Affairs) to comply with the recommendations of the General Accounting Office report of March 1991, entitled "Promoting Democracy: National Endowment for Democracy's Management of Grants Needs Improvement".

(c) **GENERAL ACCOUNTING OFFICE REPORT.**—Not more than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives an evaluation of the actions taken by the National Endowment for Democracy and certain grantees to comply with the General Accounting Office report of March 1991.

(d) **ANNUAL AUDIT.**—Section 504(g) of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by striking out "may also" and inserting in lieu thereof "shall".

(e) **SENSE OF CONGRESS ON PRIVATE DONATIONS.**—It is the sense of the Congress that the National Endowment for Democracy should make every effort to solicit private contributions to realize the purposes of the Endowment as set forth in section 502(b) of the National Endowment for Democracy Act.

SEC. 212. USIA GRANTS.

22 USC 1475h.

(a) **COMPETITIVE GRANT PROCEDURES.**—Except as provided in subsection (b), the United States Information Agency shall work to achieve full and open competition in the award of grants.

(b) **EXCEPTIONS.**—The United States Information Agency may award a grant under procedures other than competitive procedures when—

(1) a grant is made under the Mutual Educational and Cultural Exchange Act of 1961 (commonly known as the Fulbright-Hays Act) or any statute which expressly authorizes or requires that a grant be made with a specified entity;

(2) the terms of an international agreement or treaty between the United States Government and a foreign government or international organization have the effect of requiring the use of procedures other than competitive procedures;

(3) a recipient organization has developed particular expertise in the planning and administration of longstanding exchange programs important to United States foreign policy; or

(4) introducing competition would increase costs.

(c) **COMPLIANCE WITH GRANT GUIDELINES.**—

(1) After October 1, 1991, grants awarded by the United States Information Agency shall substantially comply with United States Information Agency grant guidelines and applicable circulars of the Office of Management and Budget.

(2) If the Agency determines that a grantee has not satisfied the requirement of paragraph (1), the United States Information Agency shall notify the grantee of the suspension of payments under a grant unless compliance is achieved within 90 days of such notice.

(3) The Agency shall suspend payments under any grant which remains in noncompliance 90 days after notification under paragraph (2).

(d) **REPORT TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Director of the United States Information Agency shall submit a detailed report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on United States Information Agency action to comply with subsection (a).

SEC. 213. DISTRIBUTION WITHIN THE UNITED STATES OF UNITED STATES INFORMATION AGENCY PHOTOGRAPHIC WORKS OF RICHARD SAUNDERS.

(a) **DISTRIBUTION TO THE SCHOMBURG CENTER FOR BLACK STUDIES.**—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Schomburg Center for Black Studies, New York, New York, master copies of the United States Information Agency photographic works of Richard Saunders, a former employee of the United States Information Agency; and

(2) the Schomburg Center for Black Studies, New York, New York, shall reimburse the Director of the United States Information Agency for any expenses of the Agency in making such master copies.

(b) **REIMBURSEMENT.**—Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SEC. 214. ISRAELI ARAB SCHOLARSHIP PROGRAM.

(a) **ESTABLISHMENT.**—Subject to the availability of funds under subsection (d), there is established in the United States Information Agency a fund to be known as the Israeli Arab Scholarship Fund (hereinafter in this Act referred to as the “fund”). The income from the fund shall be used for a program of scholarships for Israeli Arabs to attend institutions of higher education in the United States to be known as the Israeli Arab Scholarship Program (hereinafter in

the section referred to as the "program"). The fund and the program shall be administered by the United States Information Agency in accordance with this section and the Mutual Educational and Cultural Exchange Act of 1961. The fund may accept contributions and gifts from public and private sources.

(b) **ADMINISTRATION OF THE FUND.**—It shall be the duty of the Director of the United States Information Agency to invest in full amounts made available to the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

(c) **APPROPRIATIONS FROM THE FUND.**—For each fiscal year, there is authorized to be appropriated from the fund for the Israeli Arab Scholarship Program the interest and earnings of the fund.

(d) **FUNDING.**—Amounts made available under section 556(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (as amended by section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991), are authorized to be appropriated to the fund.

SEC. 215. ELIGIBILITY OF NED FOR GRANTS.

Section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413) is amended by adding at the end thereof the following:

"(j) After January 31, 1993, no member of the Board of the Endowment may be a member of the board of directors or an officer of any grantee of the National Endowment for Democracy which receives more than 5 percent of the funds of the Endowment for any fiscal year."

SEC. 216. ESTABLISHMENT OF USIA OFFICE IN VIENTIANE, LAOS.

The Director of the United States Information Agency shall establish an office in Vientiane, Laos, to assist in the propagation of American economic and political values.

PART B—BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise made available under section 201 for such purposes, there are authorized to be appropriated to the Bureau of Educational and Cultural Affairs to carry out the purposes of the Mutual Educational and Cultural Exchange Act of 1961 the following amounts:

(1) **SALARIES AND EXPENSES.**—For "Salaries and Expenses", \$37,749,000 for the fiscal year 1992 and \$39,308,000 for the fiscal year 1993.

(2) **FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.**—For the "Fulbright Academic Exchange Programs", \$110,454,000 for the fiscal year 1992 and \$117,297,000 for the fiscal year 1993.

(3) **HUBERT H. HUMPHREY FELLOWSHIP PROGRAM.**—For the "Hubert H. Humphrey Fellowship Program", \$5,682,000 for the fiscal year 1992 and \$6,000,000 for the fiscal year 1993.

(4) **INTERNATIONAL VISITORS PROGRAM.**—For the “International Visitors Program”, \$45,366,000 for the fiscal year 1992 and \$47,650,000 for the fiscal year 1993.

(5) **OTHER PROGRAMS.**—For “East Europe Training Projects”, “Citizen Exchange Programs”, and the “Congress-Bundestag Exchange Program”, \$14,028,000 for the fiscal year 1992 and \$14,700,000 for the fiscal year 1993.

(6) **WORLD UNIVERSITY GAMES.**—For cultural and exchange related activities associated with the 1993 World University Games in Buffalo, New York, \$2,000,000 for fiscal year 1992 and \$2,000,000 for fiscal year 1993, provided that amounts authorized under this subsection are subject to all requirements governing United States Information Agency assistance to private organizations.

(7) **NEAR AND MIDDLE EAST PROGRAMS.**—For “Near and Middle East Programs”, \$3,000,000 for fiscal year 1993.

(8) **VIETNAM SCHOLARSHIP PROGRAM.**—For the “Vietnam Scholarship Program” established by section 229, \$300,000 for each of the fiscal years 1992 and 1993.

(9) **SOVIET-AMERICAN INTERPARLIAMENTARY EXCHANGES.**—For the expenses of Soviet-American Interparliamentary meetings and visits in the United States approved by the joint leadership of the Congress, after an opportunity for appropriate consultation with the Secretary of State and the Director of the United States Information Agency, there are authorized to be appropriated \$2,000,000 for the fiscal year 1992, of which not more than \$1,000,000 shall be available for obligation or expenditure during that fiscal year. Amounts appropriated under this subsection are authorized to be available until expended.

SEC. 222. FULBRIGHT EXCHANGE PROGRAMS ENHANCEMENT.

In addition to amounts authorized to be appropriated by section 221(2) for the Fulbright Academic Exchange Programs, \$2,700,000 is authorized to be appropriated for each of the fiscal years 1992 and 1993 to increase amounts otherwise available for Fulbright Academic Exchange Programs for exchanges involving Latin America, Asia, and Africa.

Yugoslavia.

SEC. 223. USIA CULTURAL CENTER IN KOSOVO.

(a) **ESTABLISHMENT.**—The Director of the United States Information Agency shall establish a cultural center in the capital of Kosovo in Yugoslavia when the Secretary of State determines that the physical security of the center and the personal safety of its employees may be reasonably assured.

(b) **REPORT.**—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until a center is established under subsection (a), the Director of the United States Information Agency shall submit a report to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives on progress toward establishment of a center pursuant to subsection (a), including an assessment by the Secretary of State of the risks to physical and personal security of the establishment of such a center.

SEC. 224. CONFORMING AMENDMENT ON CERTAIN USIA SCHOLARSHIPS.

Section 225(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246) is amended—

(1) by striking out "Of the funds authorized to be appropriated by section 221 for each of the fiscal years 1990 and 1991," and inserting in lieu thereof "Of funds made available to the Bureau of Education and Cultural Affairs to carry out the Mutual Educational and Cultural Exchange Act of 1961, for each of the fiscal years 1992 and 1993"; and

(2) by striking out "shall" each place it appears and inserting in lieu thereof "are authorized to".

SEC. 225. EASTERN EUROPE STUDENT EXCHANGE ENDOWMENT FUND.

22 USC 2452
note.

(a) **ESTABLISHMENT OF FEDERAL ENDOWMENT.**—The Director of the United States Information Agency is authorized to establish an endowment fund (hereafter in this section referred to as the "fund"), in accordance with the provisions of this section, to support an exchange program among secondary school students from the United States and secondary school students from former Warsaw Pact countries in Eastern Europe, including from the territory formerly known as East Germany. The Director may enter into such agreements as may be necessary to carry out the purposes of this section.

(b) **TRANSFER.**—

(1) **APPROPRIATIONS AND OTHER AVAILABLE FUNDS.**—The Director shall transfer to the fund the amounts appropriated pursuant to the authority of subsection (f) to carry out the exchange program under this section.

(2) **GIFTS.**—(A) The Director is authorized to accept, use, and dispose of gifts of donations of services or property to carry out the provisions of this section.

(B) Any sums received by the Director pursuant to subparagraph (A) shall be transferred to the fund.

(3) **IN GENERAL.**—The Director in investing the corpus and income of the fund, shall exercise the judgment and care, under the prevailing circumstances, which a person of prudence, discretion, and intelligence would exercise in the management of that person's own business affairs.

(4) **SPECIAL RULE.**—The fund corpus and income shall be invested in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, or other low-risk instruments and securities.

(c) **WITHDRAWALS AND EXPENDITURES.**—The Director may withdraw or expend amounts from the fund for any expenses necessary to carry out the exchange program described in subsection (a).

(d) **DEFINITIONS.**—For the purposes of this section—

(1) the term "secondary school" has the same meaning given to such term by section 1471(21) of the Elementary and Secondary Education Act of 1965; and

(2) the term "Director" means the Director of the United States Information Agency.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,000,000 to carry out the provisions of this section. Funds appropriated pursuant to this subsection are authorized to be available until expended.

SEC. 226. ENHANCED EDUCATIONAL EXCHANGE PROGRAM.

22 USC 2452
note.

(a) **PROGRAMS FOR FOREIGN STUDENTS AND SCHOLARS.**—

(1) Not later than September 30, 1993, the number of scholarships provided to foreign students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in the United States shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only—

(A) to students and scholars from the new democracies of Eastern Europe,

(B) to students and scholars from the Soviet Union;

(C) to students and scholars from countries determined by the Associate Director of the Bureau of Educational and Cultural Affairs to be not adequately represented in the foreign student population in the United States.

(b) PROGRAMS FOR UNITED STATES STUDENTS AND SCHOLARS.—

(1) Not later than September 30, 1993, the number of scholarships provided to United States students and scholars by the Bureau of Educational and Cultural Affairs of the United States Information Agency for the purpose of study, research, or teaching in other countries shall be increased by 100 over the number of such scholarships provided in fiscal year 1991, subject to the availability of appropriations.

(2) Scholarships provided to meet the requirements of paragraph (1) shall be available only for study, research, and teaching in the new democracies of Eastern Europe, the Soviet Union, and non-European countries.

(c) DEFINITION.—For the purposes of this section, the term “scholarship” means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books and supplies, equipment required for courses at an educational institution, and living expenses at a United States or foreign educational institution.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for the Bureau of Educational and Cultural Affairs, there are authorized to be appropriated \$2,000,000 for fiscal year 1992 and \$2,000,000 for fiscal year 1993 to carry out the purposes of this section. Amounts appropriated under this subsection are authorized to be available until expended.

22 USC 2452
note.

SEC. 227. LAW AND BUSINESS TRAINING PROGRAM FOR GRADUATE STUDENTS FROM THE SOVIET UNION, LITHUANIA, LATVIA, AND ESTONIA.

(a) STATEMENT OF PURPOSE.—The purpose of this section is to establish a scholarship program designed to bring students from the Soviet Union, Lithuania, Latvia, and Estonia to the United States for study in the United States.

President.

(b) SCHOLARSHIP PROGRAM AUTHORITY.—Subject to the availability of appropriations under subsection (d), the President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for study at United States institutions of higher education together with private and public sector internships by nationals of the Soviet Union, Lithuania, Latvia, and Estonia who have completed their undergraduate education and would not otherwise have the opportunity to study in the United States due to financial limitations.

(c) **GUIDELINES.**—The scholarship program under this section shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this Act shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity and cost-effectiveness.

(2) The United States Information Agency shall design ways to identify promising students for study in the United States.

(3) The United States Information Agency should develop and strictly implement specific financial need criteria. Scholarships under this Act may only be provided to students who meet the financial need criteria.

(4) The program may utilize educational institutions in the United States, if necessary, to help participants acquire necessary skills to fully participate in professional training.

(5) Each participant shall be selected on the basis of academic and leadership potential in the fields of business administration, economics, law, or public administration. Scholarship opportunities shall be limited to fields that are critical to economic reform and political development in the Soviet Union, Lithuania, Latvia, and Estonia, particularly business administration, economics, law, or public administration.

(6) The program shall be flexible to include not only training and educational opportunities offered by universities in the United States, but to also support internships, education, and training in a professional setting.

(7) The program shall be flexible with respect to the number of years of education financed, but in no case shall students be brought to the United States for less than one year.

(8) Further allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The program shall, to the maximum extent practicable, offer equal opportunities for students from each of the Soviet republics, Lithuania, Latvia, and Estonia.

(12) The United States Information Agency shall recommend to each student who receives a scholarship under this section that the student include in their course of study programs which emphasize the ideas, principles, and documents upon which the United States was founded.

(d) **FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1992 AND FISCAL YEAR 1993.**—There are authorized to be appropriated to the United States Information Agency \$7,000,000 for fiscal year 1992, and \$7,000,000 for fiscal year 1993, to carry out this section.

(e) **COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.**—Any authority provided by this section shall be effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

22 USC 2452
note.

SEC. 228. NEAR AND MIDDLE EAST RESEARCH AND TRAINING.

(a) **NEAR AND MIDDLE EAST STUDIES.**—The Director of the United States Information Agency may expend from the amount authorized for the Bureau of Educational and Cultural Affairs, such sums as are appropriate to assist graduate and postdoctoral studies by United States scholars on the Near and Middle East.

(b) **REPORT.**—The Director of the United States Information Agency shall prepare and submit to the President and the Congress at the end of each fiscal year in which assistance is provided under subsection (a) a report concerning such assistance.

(c) **RECOMMENDATIONS.**—Not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency, in consultation with qualified government agencies and appropriate private organizations and individuals, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives recommendations concerning the conduct of educational and cultural exchange programs administered and funded by the Agency.

(d) **DEFINITION.**—For purposes of this section, the term “Near and Middle East” refers to the region consisting of those countries and peoples covered by the Bureau of Near Eastern and South Asian Affairs of the Department of State on the day before the date of the enactment of this Act.

22 USC 2452
note.

SEC. 229. SCHOLARSHIPS FOR VIETNAMESE.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1992 and 1993, 15 scholarships for Vietnamese residents in Vietnam qualified to study in the United States for the purpose of studying in the United States. Each scholarship made available under this subsection shall be for not less than one semester of study in a United States college or university.

(b) **PREFERENCE IN AWARDING SCHOLARSHIPS.**—In awarding scholarships under this section, preference shall be given to candidates intending to pursue studies in economics and commercial law.

PART C—BUREAU OF BROADCASTING

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Information Agency for the Bureau of Broadcasting for carrying out title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act the following amounts:

(1) **SALARIES AND EXPENSES.**—For “Salaries and Expenses”, \$196,942,000 for the fiscal year 1992 and \$216,815,000 for the fiscal year 1993.

(2) **TELEVISION AND FILM SERVICE.**—For “Television and Film Service”, \$33,185,000 for the fiscal year 1992 and \$34,476,000 for the fiscal year 1993.

(3) **ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES.**—For “Acquisition and Construction of Radio Facilities”, \$98,043,000 for the fiscal year 1992 and \$103,000,000 for the fiscal year 1993.

(4) BROADCASTING TO CUBA.—For “Broadcasting to Cuba”, \$38,988,000 for the fiscal year 1992 and \$34,525,000 for the fiscal year 1993.

SEC. 232. TELEVISION BROADCASTING TO CUBA ACT.

Section 247 of the Television Broadcasting to Cuba Act (22 U.S.C. 1465ee) is amended by adding at the end thereof the following:

“(c) AVAILABILITY OF FUNDS.—Amounts appropriated to carry out the purposes of this part are authorized to be available until expended.”.

SEC. 233. YUGOSLAVIAN PROGRAMMING WITHIN THE VOICE OF AMERICA.

The Director of the United States Information Agency shall establish distinct Croatian and Serbian programs within the Yugoslavian section of the Voice of America.

SEC. 234. VOICE OF AMERICA BROADCASTS IN KURDISH.

(a) FINDINGS.—The Congress finds that—

(1) more than 20 million Kurds have no source of reliable and accurate news and information in their own language;

(2) the Kurdish people have been subject to extreme repression, including the denial of fundamental cultural and human rights, the extensive destruction of villages, and the mass killing of Kurds by the Iraqi regime; and

(3) the Voice of America provides an effective means by which the Kurdish people may be informed of events in the free world and pertaining to their own situation.

(b) BROADCASTS IN KURDISH.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Director of the United States Information Agency shall establish, through the Voice of America, a service to provide Kurdish language programming to the Kurdish people. Consistent with the mission and practice of the Voice of America, these broadcasts in Kurdish shall include news and information on events that affect the Kurdish people.

(c) AMOUNT OF PROGRAMMING.—As soon as practicable but not later than one year after enactment, the Voice of America Kurdish language programming pursuant to this section shall be broadcast for not less than 1 hour each day.

(d) PLAN FOR A KURDISH LANGUAGE SERVICE.—Not later than 90 days after enactment of this Act, the Director of the United States Information Agency shall submit to the Chairman of the Senate Committee on Foreign Relations and to the Speaker of the House of Representatives a report on progress made toward implementation of this section.

(e) HIRE OF KURDISH LANGUAGE SPEAKERS.—In order to expedite the commencement of Kurdish language broadcasts, the Director of the United States Information Agency is authorized to hire, subject to the availability of appropriations, Kurdish language speakers on a contract not to exceed one year without regard to competitive and other procedures that might delay such hiring.

(f) SURROGATE HOME SERVICE.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Board for International Broadcasting shall submit to the Chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives a plan, together with a detailed budget, for the establishment of a surrogate home service under the auspices of

Reports.

Radio Free Europe/Radio Liberty for the Kurdish people. Such surrogate home service for the Kurdish people shall broadcast not less than 2 hours a day.

SEC. 235. REPORTS ON THE FUTURE OF INTERNATIONAL BROADCASTING.

(a) **REPORT ON INTERNATIONAL BROADCASTING.**—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives the report of the Policy Coordinating Committee on International Broadcasting.

(b) **REPORT ON UNITED STATES GOVERNMENT BROADCASTING.**—The President's Task Force on United States Government International Broadcasting shall submit to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a complete text of its report to the President on United States Government Broadcasting.

PART D—BOARD FOR INTERNATIONAL BROADCASTING

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)) is amended to read as follows:

“(1) There are authorized to be appropriated to carry out the purposes of this Act and the Inspector General Act of 1978—

“(A) \$212,491,000 for fiscal year 1992 and \$221,203,000 for fiscal year 1993 (at April 2, 1991 exchange rates) and such additional amounts for each such fiscal year as may be necessary to offset adverse fluctuations in foreign currency exchange rates; and

“(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.”.

(b) **BUDGET ACT COMPLIANCE.**—Section 8(a) of such Act is amended by adding at the end thereof the following new paragraph:

“(4) The authorities of paragraph (1) may be exercised only in such amounts and to such extent as provided for in advance in an appropriations Act.”.

SEC. 242. BOARD FOR INTERNATIONAL BROADCASTING ACT.

Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended to read as follows:

“(b) Beginning with fiscal year 1983, any amount appropriated under subsection (a)(1), which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RL, Incorporated, shall be certified to the Congress by the Director of the Office of Management and Budget and shall—

“(1) be placed in reserve in a separate account in the Treasury only for the purpose of offsetting future downward fluctuations in foreign currency exchange rates in order to maintain the level of operations authorized for each fiscal year; or

“(2) be used to make payments to RFE/RL’s United States and German pension plans in order to avoid future pension liabilities.

Any such amount placed in reserve may be merged with and made available for the same time period and same purposes as amounts appropriated under subsection (a)(2) of this section.”.

SEC. 243. BROADCASTING TO CHINA.

(a) **COMMISSION ON BROADCASTING TO THE PEOPLE’S REPUBLIC OF CHINA.**—

(1) **ESTABLISHMENT.**—There is established a Commission on Broadcasting to the People’s Republic of China (hereafter in this title referred to as the “Commission”) which shall be an independent commission in the executive branch.

(2) **MEMBERSHIP.**—The Commission shall be composed of 11 members from among citizens of the United States who shall, within 45 days of the enactment of this Act, be appointed in the following manner:

(A) The President shall appoint 3 members of the Commission. President.

(B) The Speaker of the House of Representatives shall appoint 2 members of the Commission.

(C) The Majority Leader of the Senate shall appoint 2 members of the Commission.

(D) The Minority Leader of the House of Representatives shall appoint 2 members of the Commission.

(E) The Minority Leader of the Senate shall appoint 2 members of the Commission.

(3) **CHAIRPERSON.**—The President, in consultation with the congressional leaders referred to in subsection (b), shall designate 1 of the members to be the Chairperson.

(4) **QUORUM.**—A quorum, consisting of at least half of the members who have been appointed, shall be required for the transaction of business.

(5) **VACANCIES.**—Any vacancy in the membership of the commission shall be filled in the same manner as the original appointment was made.

(b) **FUNCTIONS.**—

(1) **PURPOSE.**—The Commission shall examine the feasibility, effect, and implications for United States foreign policy of instituting a radio broadcasting service to the People’s Republic of China, as well as to other communist countries in Asia, to promote the dissemination of information and ideas, with particular emphasis on developments within each of those nations.

(2) **SPECIFIC ISSUES TO BE EXAMINED.**—The Commission shall examine all issues related to instituting such a service, including—

(A) program content;

(B) staffing and legal structure;

(C) transmitter and headquarters requirements;

(D) costs;

(E) expected effect on developments within China and on Sino-American relations; and

(F) expected effect on developments within other communist countries in Asia and on their relations with the United States.

(3) **METHODOLOGY.**—The Commission shall conduct such studies, inquires, hearings, and meetings as it considers necessary.

(4) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the President of the Senate a report describing its activities in carrying out the purpose of paragraph (1) and including recommendations regarding the issues of paragraph (2).

(c) **ADMINISTRATION.**—

(1) **COMPENSATION AND TRAVEL EXPENSES.**—

(A) **GENERAL PROVISION.**—

(i) Except as provided in subparagraph (B), members shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Commission; and

(ii) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) **LIMITATION.**—Any member of the Commission who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Commission.

(2) **SUPPORT FROM EXECUTIVE AND LEGISLATIVE BRANCHES.**—

(A) **EXECUTIVE AGENCIES.**—Executive agencies shall, to the extent the President considers appropriate and as permitted by law, provide the Commission with appropriate information, advice, and assistance.

(B) **CONGRESSIONAL COMMITTEES.**—As may be considered appropriate by the chairpersons, committees of Congress may provide appropriate information, advice, and assistance to the Commission.

(3) **EXPENSES.**—Expenses of the Commission shall be paid from funds available to the Department of State.

(d) **TERMINATION.**—The Commission shall terminate upon submission of the report under subsection (b).

SEC. 244. POLICY ON RADIO FREE EUROPE.

It is the sense of the Congress that Radio Free Europe should continue to broadcast to nations throughout Eastern Europe and should maintain its broadcasts to any nation until—

(1) new sources of timely and accurate domestic and international information have supplanted and rendered redundant the broadcasts of Radio Free Europe to that nation; and

(2) that nation has clearly demonstrated the successful establishment and consolidation of democratic rule.

TITLE III— MISCELLANEOUS FOREIGN POLICY PROVISIONS

PART A—FOREIGN POLICY PROVISIONS

SEC. 301. PERSIAN GULF WAR CRIMINALS

(a) INTERNATIONAL CRIMINAL TRIBUNAL.—

(1) PROPOSAL FOR ESTABLISHMENT.—It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should propose to the Security Council the establishment of an international criminal tribunal for the prosecution of Persian Gulf war criminals who may not more appropriately be prosecuted in Federal and specially appointed courts of the United States.

(2) ALTERNATIVE MEANS FOR ESTABLISHMENT.—If the United Nations Security Council fails to take action to establish an international criminal tribunal for the prosecution of Persian Gulf war criminals, it is the sense of the Congress that the President should work with the partners in the coalition of nations participating in Operation Desert Storm to establish such an international criminal tribunal.

(b) DESIGNATION OF RESPONSIBILITY AT STATE DEPARTMENT.—The Secretary of State shall designate a high level official with responsibility for—

(1) the development of a proposal for the prosecution of Persian Gulf War criminals in an international tribunal, including proposing in the United Nations the establishment of such a tribunal, and advising the United States Permanent Representative to the United Nations in any discussion or negotiations concerning such matters;

(2) advising the President on the appropriate jurisdiction for the prosecution of Persian Gulf war criminals; and

(3) supporting and facilitating United States implementation of its duties and responsibilities with respect to any tribunal which may be established for the prosecution of Persian Gulf war criminals.

(c) PRESIDENTIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) setting forth the proposal developed under subsection (b)(1);

(2) describing the evidence of crimes under international law that justifies the prosecution of Persian Gulf war criminals before an international criminal tribunal; and

(3) identifying Iraqi authorities who should be prosecuted for committing such crimes.

SEC. 302. BENEFITS FOR UNITED STATES HOSTAGES CAPTURED IN LEBANON.

(a) IN GENERAL.—Section 599C of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, is amended—

5 USC 5561 note.

(1) in subsection (a), by adding at the end of the first sentence “during fiscal year 1991 and hereafter”;

(2) in paragraphs (3) and (4) of subsection (b), by striking out “During” each place it appears and inserting in lieu thereof “Except as provided in paragraph (5), during”;

(3) by adding at the end of subsection (b) the following new paragraph:

“(5) For purposes of the application of paragraphs (3) and (4) to United States hostages captured in Lebanon, the period of entitlement of benefits, subject to the availability of funds, shall be the period of an individual’s hostage status, plus a 60-month period following the termination of the hostage status of that individual.”;

(4) in subsection (d), by amending paragraph (4)(B) to read as follows:

“(B) the term ‘United States hostages captured in Lebanon’ means United States nationals, including lawful permanent residents of the United States, who have been forcibly detained, held hostage, or interned for any period of time after June 1, 1982, by any government (including the agents thereof) or group in Lebanon for the purpose of coercing the United States Government or any other government.”; and

(5) in subsection (e), by amending paragraph (2) to read as follows:

“(2) Notwithstanding any other provision of law, funds allocated under paragraph (1) are authorized to remain available until expended.”.

5 USC 5561 note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be deemed to have become effective as of the date of enactment of the Foreign Operations Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

President.

SEC. 303. REPORTS CONCERNING CHINA.

(a) **REPORT TO CONGRESS.**—Not later than May 1, 1992 and May 1, 1993, the President shall submit to the Chairmen and Ranking Members of the appropriate congressional committees a report detailing specific progress or lack thereof by the People’s Republic of China in the following areas:

(1) Human rights, including—

(A) the surveillance, intimidation, and harassment of Chinese citizens living within China because of their pro-democracy activities;

(B) the surveillance, intimidation, and harassment of Chinese citizens living within the United States because of their pro-democracy activities with particular focus on those whose passports have been confiscated or not renewed in retaliation for pro-democracy activities;

(C) the use of torture or other cruel, inhuman, or degrading treatment or punishment;

(D) political prisoners, including those in Tibet, still held against their will and those who have received amnesty from the Chinese Government for their pro-democracy activities;

(E) prolonged detention without charges and trials, and sentencing of members of the pro-democracy movement for peaceful demonstrations for democracy;

(F) the use of forced labor of prisoners to produce cheap goods for export to countries, including the United States, in violation of labor treaties and United States law;

(G) the Chinese Government’s willingness to permit access for international human rights monitoring groups to prisoners, trials, and places of detention; and

(H) the detention and arrest of religious leaders and members of religious groups, including those under house arrest, detained, or imprisoned as a result of their expressions of religious belief.

(2) Weapons proliferation—

(A) Exports by the People's Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(i) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(ii) technologies capable of producing weapons-grade nuclear material; and

(iii) technology and materials needed for the production or use of chemical and biological arms.

(B) JOINING ARMS SUPPLIER REGIMES.—The adoption of guidelines and restrictions set forth by—

(i) the Missile Technology Control Regime;

(ii) the Australia Group on Chemical and Biological arms proliferation; and

(iii) the Nuclear Suppliers Group.

(3) Restrictions on trade between the United States and China, which are not described in the National Trade Estimate Report required under section 181 of the Trade Act of 1974, including—

(A) internal trade barriers to American goods and products, with particular attention paid to those implemented since the Tiananmen Square massacre in 1988;

(B) regulations established since 1988 to ensure strict control over more than 100 categories of products;

(C) excessive duties imposed on imports to China;

(D) excessive licensing requirements for imported goods;

(E) restrictions on private ownership of property, including capital;

(F) section 301 violations, including attempts to evade United States import quotas; and

(G) protection for intellectual property.

(b) HISTORICAL BACKGROUND.—The report shall also include—

(1) a compendium of the most significant actions taken by the Chinese government since the Tiananmen Square massacre in each of the areas of the report (human rights, arms sales and nuclear proliferation and trade); and

(2) a list of the most significant United States actions taken since 1988 to underscore United States concerns about Chinese policies, including consultations and communications encouraging other governments to take similar actions.

(c) CLASSIFIED ANNEX.—The report may include a classified annex detailing Chinese arms sales and nuclear weapons proliferation activities. All other aspects of the report shall be unclassified.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—The “appropriate congressional committees” referred to in subsection (a) shall include the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives.

SEC. 304. REPORT ON TERRORIST ASSETS IN THE UNITED STATES.

(a) **REPORTS TO CONGRESS.**—Beginning 90 days after the date of enactment of this Act and every 365 days thereafter, the Secretary of the Treasury shall submit to the Committee on Foreign Relations and the Committee on Finance of the Senate and the Committee on Foreign Affairs and the Committee on Ways and Means of the House of Representatives a report describing the nature and extent of assets held in the United States by terrorist countries and any organization engaged in international terrorism.

(b) **DEFINITIONS.**—For purposes of this section—

(1) the term “terrorist countries”, refers to countries designated by the Secretary of State under section 40(d) of the Arms Export Control Act; and

(2) the term “international terrorism” has the meaning given such term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

PART B—ARMS CONTROL AND PROLIFERATION**SEC. 321. LIMITATION ON RESCISSION OF PROHIBITIONS APPLICABLE TO TERRORIST COUNTRIES.**

Section 40(f) of the Arms Export Control Act (22 U.S.C. 2780(f)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of each of paragraphs (1) and (2) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting “(1)” immediately after “(f) RESCISSION.—”; and

(4) by adding at the end thereof the following new paragraph:
 “(2)(A) No rescission under paragraph (1)(B) of a determination under subsection (d) may be made if the Congress, within 45 days after receipt of a report under paragraph (1)(B), enacts a joint resolution the matter after the resolving clause of which is as follows: ‘That the proposed rescission of the determination under section 40(d) of the Arms Export Control Act pursuant to the report submitted to the Congress on _____ is hereby prohibited.’, the blank to be completed with the appropriate date.

“(B) A joint resolution described in subparagraph (A) and introduced within the appropriate 45-day period shall be considered in the Senate and the House of Representatives in accordance with paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act (as contained in Public Law 98-473), except that references in such paragraphs to the Committees on Appropriations of the House of Representatives and the Senate shall be deemed to be references to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, respectively.”

SEC. 322. POLICY ON MIDDLE EAST ARMS SALES.

In recognition of the particular volatility of the Middle East, the tremendous cost in human lives and suffering in the aftermath of the aggression by Iraq, and imperative that stability be maintained in the region while the course toward lasting peace is pursued, the authority to make sales under the Arms Export Control Act or to furnish military assistance under chapter 2 of part II of the Foreign

Assistance Act of 1961 shall be exercised with regard to the Middle East for the objectives set forth in law and that the President should—

(1) transfer defense articles and services only to those nations that have given reliable assurances that such articles will be used only for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security;

(2) transfer defense articles and services to nations in the region only after it has been determined that such transfers will not contribute to an arms race, will not increase the possibility of outbreak or escalation of conflict and will not prejudice the development of bilateral or multilateral arms control arrangements; and

(3) take steps to ensure that each nation of the Middle East that is a recipient of United States defense articles and services—

(A) affirms the right of all nations in the region to exist within safe and secure borders; and

(B) supports or is engaged in direct regional peace negotiations.

SEC. 323. MISSILE TECHNOLOGY.

(a) ACQUISITION.—Section 73(a)(1)(A) of the Arms Export Control Act is amended by inserting “acquisition,” before “design,”

22 USC 2797b.

(b) NONMARKET ECONOMIES.—Section 74(8)(B) of the Arms Export Control Act is amended by striking “countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A)” and inserting in lieu thereof “countries with non-market economies (excluding former members of the Warsaw Pact)”.

22 USC 2797c.

(c) MILITARY AIRCRAFT.—Section 74(8)(B)(ii) of the Arms Export Control Act is amended by striking “aircraft, electronics, and space systems or equipment” and inserting in lieu thereof: “electronics, space systems or equipment, and military aircraft”.

SEC. 324. REPORT ON CHINESE WEAPONS PROLIFERATION PRACTICES.

President.

(a) REQUIREMENT.—Within 90 days of the enactment of this Act the President shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on “Chinese Nuclear, Chemical, Biological, and Missile Proliferation Practices”.

(b) CONTENT.—Such report shall be transmitted in classified and unclassified forms and shall describe all actions and policies of the People’s Republic of China which relate to improving the military capabilities of nations in the Middle East and South Asia, including a description of previous and potential future transfers of—

(1) M-series ballistic missile systems, and of technology and assistance related to the production of such missile systems;

(2) technologies capable of producing weapons-grade nuclear material; and

(3) technology and materials needed for the production or use of chemical and biological arms.

(c) SPECIAL REPORT.—At any time that the President determines that the People's Republic of China is preparing to take, or has taken, any action described in subsection (b), he shall so report in writing to Congress.

SEC. 325. REPORT ON SS-23 MISSILES.

Pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before submitting to the Senate for its advice and consent to ratification a Strategic Arms Reduction Treaty, the President provide a classified report with an unclassified summary to the Senate on whether the SS-23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of the former East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed.

PART C—DECLARATIONS OF CONGRESS

SEC. 351. RECIPROCAL DIPLOMATIC STATUS WITH MEXICO.

It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited in the same manner and accorded the same status as United States diplomatic and consular personnel serving as official representatives at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accredited in the same manner and accorded the same diplomatic and consular status as United States Drug Enforcement Administration personnel serving in Mexico.

SEC. 352. UNITED STATES PRESENCE IN LITHUANIA, LATVIA, AND ESTONIA.

It is the sense of the Congress that in the aftermath of the reestablishment of full diplomatic relations between the United States and Lithuania, Latvia, and Estonia, the United States Government, including the Secretary of State, the Director of the United States Information Agency, and the Director of the Foreign Commercial Service, should provide in Lithuania, Latvia, and Estonia—

(1) an embassy and full complement of embassy staff and personnel;

(2) cultural and information officers for the purpose of expanding cultural contacts and promoting citizen, academic, professional, and other exchange programs between the United States and Lithuania, Latvia, and Estonia; and

(3) commercial representatives for the purpose of expanding commercial and trade relations between the United States and Lithuania, Latvia, and Estonia.

SEC. 353. LAOTIAN-AMERICAN RELATIONS.

It is the sense of the Congress that the President, in recognition of the constructive changes taking place in Laos, should—

(1) upgrade the current American diplomatic representation in Vientiane, Laos, from Charge d'Affaires to the level of Ambassador;

(2) ensure that an American military attache is permanently assigned to the United States mission in Vientiane to assist the recovery of American prisoners of war and missing in action; and

(3) ensure that Drug Enforcement Agency personnel are permanently assigned, when practicable, to the United States mission in Vientiane for the purpose of accelerating cooperative efforts in narcotics eradication and interdiction.

SEC. 354. POW/MIA STATUS.

It is the sense of the Congress that—

(1) the United States should continue to give the highest national priority to accounting as fully as possible for Americans still missing or otherwise unaccounted for in Southeast Asia and to securing the return of any Americans who may still be held captive in Southeast Asia;

(2) the United States should ensure that there is a viable sustained process of joint cooperation with the Socialist Republic of Vietnam and the Lao People's Democratic Republic to achieve credible answers for the families of America's servicemen and civilians who are missing or otherwise unaccounted for, including primary-next-of-kin access to all records and information resulting from the process of joint investigations, surveys, and excavations;

(3) the United States should encourage and provide all necessary assistance to the families of POW/MIAs and to American veterans organizations, such as the American Legion, Veterans of Foreign Wars, and Vietnam Veterans of America in their efforts to account for POW/MIAs;

(4) General John Vessey should be highly commended for his personal commitment to resolving the POW/MIA issue;

John Vessey.

(5) the United States should develop a means to obtain the fullest possible accounting for Americans who are listed as missing or otherwise unaccounted for in Cambodia, without placing this humanitarian objective into conflict with United States efforts to obtain an acceptable political settlement of the Cambodian situation; and

(6) the United States should heighten responsible public awareness of the Americans still missing or otherwise unaccounted for in Southeast Asia through the dissemination of factual data.

SEC. 355. CHINA'S ILLEGAL CONTROL OF TIBET.

It is the sense of the Congress that—

(1) Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, is an occupied country under the established principles of international law;

(2) Tibet's true representatives are the Dalai Lama and the Tibetan Government in exile as recognized by the Tibetan people;

(3) Tibet has maintained throughout its history a distinctive and sovereign national, cultural, and religious identity separate from that of China and, except during periods of illegal Chinese

occupation, has maintained a separate and sovereign political and territorial identity;

(4) historical evidence of this separate identity may be found in Chinese archival documents and traditional dynastic histories, in United States recognition of Tibetan neutrality during World War II, and in the fact that a number of countries including the United States, Mongolia, Bhutan, Sikkim, Nepal, India, Japan, Great Britain, and Russia recognized Tibet as an independent nation or dealt with Tibet independently of any Chinese government;

(5) in 1949-1950, China launched an armed invasion of Tibet in contravention of international law;

(6) it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another; and

(7) numerous United States declarations since the Chinese invasion have recognized Tibet's right to self-determination and the illegality of China's occupation of Tibet.

SEC. 356. RELEASE OF PRISONERS HELD IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in addition to other requirements of law, the President should not lift United States economic sanctions currently in place against the Iraqi government, and should continue to make every effort to ensure the multinational coalition maintains the full range of economic sanctions as embodied in the appropriate United Nations Security Council resolutions; and

(2) such sanctions should remain in effect until the Iraqi government has released all individuals held prisoner and has accounted as fully as possible for all those missing as a result of Iraq's invasion of Kuwait, including those Kuwaiti citizens and other Kuwaiti residents captured or detained by Iraq.

(b) REPORT TO CONGRESS.—The Secretary of State shall—

(1) continue to consult with the International Committee of the Red Cross (ICRC) on the status of a detailed list of all Kuwaiti citizens and other residents of Kuwait believed to have been captured or detained by the government of Iraq; and

(2) to the extent such information is available, submit a report on the steps which have been taken and planned actions to effect the release of remaining prisoners held by Iraq to the appropriate committees of the Congress not later than 180 days after the date of the enactment of this Act.

(c) DEFINITION.—For the purposes of this section the term “appropriate committees of the Congress” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 357. POLICY TOWARD HONG KONG.

It is the sense of the Congress that the United States should encourage the Government of the United Kingdom to provide the people of Hong Kong all possible civil liberties, including popular election of the territory's Legislative Council, so that it will bequeath a fully functioning, self-governing democracy to China in 1997.

SEC. 358. POLICY TOWARD TAIWAN.

It is the sense of Congress that—

- (1) Taiwan's economic dynamism is a tribute to the success of the postwar United States assistance program and to Taiwan's commitment to an international system of free trade;
- (2) Taiwan's economic growth has made it in recent years an indispensable part of regional and international networks of trade, investment, and finance; and
- (3) the United States should support Taiwan's interest in playing a role in international and regional economic organizations.

SEC. 359. HUMAN RIGHTS ABUSES IN EAST TIMOR.

(a) **FINDINGS.**—The Congress finds that—

- (1) many tens of thousands out of a population of nearly 700,000 perished in the former Portuguese colony of East Timor between 1975 and 1980, as a result of war-related killings, famine, and disease following the invasion of that territory by Indonesia;
- (2) Amnesty International and other international human rights organizations continue to report evidence in East Timor of human rights violations, including torture, arbitrary arrest, and repression of freedom of expression;
- (3) serious medical, nutritional, and humanitarian problems persist in East Timor;
- (4) a state of intermittent conflict continues to exist in East Timor; and
- (5) the Governments of Portugal and Indonesia have conducted discussions since 1982 under the auspices of the United Nations to find an internationally acceptable solution to the East Timor conflict.

(b) **STATEMENT OF POLICY.**—It is the sense of the Congress that—

- (1) the President should urge the Government of Indonesia to take action to end all forms of human rights violations in East Timor and to permit full freedom of expression in East Timor;
- (2) the President should encourage the Government of Indonesia to facilitate the work of international human rights organizations and other groups seeking to monitor human rights conditions in East Timor and to continue and expand cooperation with international humanitarian relief and development organizations seeking to work in East Timor; and
- (3) the Administration should encourage the Secretary General of the United Nations and the governments of Indonesia, Portugal, and other involved parties, to arrive at an internationally acceptable solution which addresses the underlying causes of the conflict in East Timor.

SEC. 360. SUPPORT FOR NEW DEMOCRACIES.

It is the policy of the United States—

- (1) to support democratization within the Soviet Union and support self-determination, observer and other appropriate status in international organizations, particularly the Conference on Security and Cooperation in Europe (CSCE) and independence for all republic-level governments which seek such status;
- (2) to shape its foreign assistance and other programs to support those republics that pursue a democratic and market-

oriented course of development, and demonstrate a commitment to abide by the rule of law;

(3) to strongly support peaceful resolution of conflicts within the Soviet Union and between the central Soviet government and Lithuania, Latvia, and Estonia and republic-level governments;

(4) to condemn the actual and threatened use of martial law, pogroms, military occupation, blockades, and other uses of force which have been used to suppress democracy and self-determination; and

(5) to view the threatened and actual use of force to suppress the self-determination of republic-level governments and Lithuania, Latvia, and Estonia as an obstacle to fully normalized United States-Soviet relations.

SEC. 361. POLICY REGARDING UNITED STATES ASSISTANCE TO THE SOVIET UNION AND YUGOSLAVIA.

(a) **CONGRESSIONAL STATEMENT.**—An essential purpose of United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. Stable economic growth, fostered by free enterprise and free trade, is also important to the development of democratic institutions.

(b) **DECLARATION OF UNITED STATES POLICY.**—It is the policy of the United States, to the extent feasible and consistent with United States national interest, that—

(1) assistance to the Soviet Union and Yugoslavia, including their successor entities or any constituent part, shall be conditioned on significant steps toward political pluralism based on a democratic multi-party political system, economic reform based on a market-oriented economy, respect for internationally recognized human rights and a willingness to build a friendly relationship with the United States; and

(2) expanded trade with the republics in the Soviet Union and Yugoslavia or their successor entities should be encouraged.

SEC. 362. POLICY TOWARD THE RELEASE OF POLITICAL PRISONERS BY SOUTH AFRICA.

It is the sense of the Congress that—

(1) the President and the Secretary of State should pursue, through diplomatic actions with the South African Government, the release of all political prisoners and the resolution of controversy about who is eligible for release as a political prisoner;

(2) not less than 90 days after enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report documenting the progress which has been made concerning the release of all political prisoners in South Africa; and

(3) satisfactory resolution between the South African government and the African National Congress of the issue of the release of political prisoners is essential to the continued progress toward the establishment of a nonracial democracy in South Africa.

SEC. 363. UNITED STATES TACTICAL NUCLEAR WEAPONS DESIGNED FOR DEPLOYMENT IN EUROPE.

(a) **FINDINGS.**—The Congress finds that—

- (1) the Warsaw Pact military alliance no longer exists;
- (2) the Soviet Union's capability to pose a military threat to European security has retreated radically; and
- (3) in light of the retreating Soviet threat, West European electorates are unlikely to approve the deployment of new United States tactical nuclear weapons on European soil.

(b) **POLICY.**—It is the sense of the Congress that the United States Government should not proceed with the research or development of any tactical nuclear system designed solely for deployment in Europe unless and until the Council of the North Atlantic Treaty Organization has officially announced how, when, and where such tactical nuclear systems will be deployed.

SEC. 364. UNITED STATES SUPPORT FOR UNCED.

(a) **FINDINGS.**—The Congress finds that—

(1) the United Nations Conference on Environment and Development (hereinafter in this section referred to as "UNCED") is scheduled to meet in June 1992 in Rio de Janeiro, Brazil; and

(2) UNCED affords a major opportunity to shape international environmental policy as an underpinning of sustainable development for well into the next century.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

(1) the United States should seek to integrate environmental principles and considerations into all spheres of international economic activity;

(2) the President should accord the UNCED process high-level attention and priority within the executive branch;

(3) the United States should exercise a leadership role in preparations for the June 1992 meeting of the UNCED;

(4) the United States should carefully consider what it hopes to achieve through the UNCED and how United States national security interests may best be advanced in deliberations in that conference;

(5) the United States should seek ways to forge a global partnership and international cooperation among developing and industrialized nations on behalf of environmentally sound economic development;

(6) the United States should actively pursue creative approaches to the spectrum of UNCED issues which the conference will address, and in particular seek innovative solutions to the key cross-sectorial issues of technology transfer and financial resources;

(7) the United States should consider how best to strengthen international legal and institutional mechanisms to effectively address the range of UNCED issues beyond the 1992 Conference and into the next century;

(8) the United States should promote broad international participation in the UNCED process at all levels, from grass roots to national;

(9) the Agency for International Development should assume an appropriate role in the preparations for the June 1992 meeting of the UNCED, in view of the mandate and expertise of that agency regarding the twin conference themes of international environment and development; and

(10) the executive branch should consider funding for appropriate activities related to the UNCED in amounts which are

commensurate with United States responsibilities in the world, as such funds can engender good will and further our national interests and objectives in the UNCED process.

22 USC 2778
note.

TITLE IV—ARMS TRANSFERS RESTRAINT POLICY FOR THE MIDDLE EAST AND PERSIAN GULF REGION

SEC. 401. FINDINGS.

The Congress finds that—

(1) nations in the Middle East and Persian Gulf region, which accounted for over 40 percent of the international trade in weapons and related equipment and services during the decade of the 1980's, are the principal market for the worldwide arms trade;

(2) regional instability, large financial resources, and the desire of arms-supplying governments to gain influence in the Middle East and Persian Gulf region, contribute to a regional arms race;

(3) the continued proliferation of weapons and related equipment and services contribute further to a regional arms race in the Middle East and Persian Gulf region that is politically, economically, and militarily destabilizing;

(4) the continued proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons, poses an urgent threat to security and stability in the Middle East and Persian Gulf region;

(5) the continued proliferation of ballistic missile technologies and ballistic missile systems that are capable of delivering conventional, nuclear, biological, or chemical warheads undermines security and stability in the Middle East and Persian Gulf region;

(6) future security and stability in the Middle East and Persian Gulf region would be enhanced by establishing a stable military balance among regional powers by restraining and reducing both conventional and unconventional weapons;

(7) security, stability, peace, and prosperity in the Middle East and Persian Gulf region are important to the welfare of the international economy and to the national security interests of the United States;

(8) future security and stability in the Middle East and Persian Gulf region would be enhanced through the development of a multilateral arms transfer and control regime similar to those of the Nuclear Suppliers' Group, the Missile Technology Control Regime, and the Australia Chemical Weapons Suppliers Group;

(9) such a regime should be developed, implemented, and agreed to through multilateral negotiations, including under the auspices of the 5 permanent members of the United Nations Security Council;

(10) confidence-building arms control measures such as the establishment of a centralized arms trade registry at the United Nations, greater multinational transparency on the transfer of defense articles and services prior to agreement or transfer, cooperative verification measures, advanced notification of military exercises, information exchanges, on-site inspections, and creation of a Middle East and Persian Gulf Conflict Prevention

Center, are important to implement an effective multilateral arms transfer and control regime;

(11) as an interim step, the United States should consider introducing, during the ongoing negotiations on confidence security-building measures at the Conference on Security and Cooperation in Europe (CSCE), a proposal regarding the international exchange of information, on an annual basis, on the sale and transfer of major military equipment, particularly to the Middle East and Persian Gulf region; and

(12) such a regime should be applied to other regions with the ultimate objective of achieving an effective global arms transfer and control regime, implemented and enforced through the United Nations Security Council, that—

(A) includes a linkage of humanitarian and developmental objectives with security objectives in Third World countries, particularly the poorest of the poor countries; and

(B) encourages countries selling military equipment and services to consider the following factors before making conventional arms sales: the security needs of the purchasing countries, the level of defense expenditures by the purchasing countries, and the level of indigenous production of the purchasing countries.

SEC. 402. MULTILATERAL ARMS TRANSFER AND CONTROL REGIME.

(a) IMPLEMENTATION OF THE REGIME.—

President.

(1) CONTINUING NEGOTIATIONS.—The President shall continue negotiations among the 5 permanent members of the United Nations Security Council and commit the United States to a multilateral arms transfer and control regime for the Middle East and Persian Gulf region.

(2) PROPOSING A TEMPORARY MORATORIUM DURING NEGOTIATIONS.—In the context of these negotiations, the President should propose to the 5 permanent members of the United Nations Security Council a temporary moratorium on the sale and transfer of major military equipment to nations in the Middle East and Persian Gulf region until such time as the 5 permanent members agree to a multilateral arms transfer and control regime.

(b) PURPOSE OF THE REGIME.—The purpose of the multilateral arms transfer and control regime should be—

(1) to slow and limit the proliferation of conventional weapons in the Middle East and Persian Gulf region with the aim of preventing destabilizing transfers by—

(A) controlling the transfer of conventional major military equipment;

(B) achieving transparency among arms suppliers nations through advanced notification of agreement to, or transfer of, conventional major military equipment; and

(C) developing and adopting common and comprehensive control guidelines on the sale and transfer of conventional major military equipment to the region;

(2) to halt the proliferation of unconventional weapons, including nuclear, biological, and chemical weapons, as well as delivery systems associated with those weapons and the technologies necessary to produce or assemble such weapons;

(3) to limit and halt the proliferation of ballistic missile technologies and ballistic missile systems that are capable of

delivering conventional, nuclear, biological, or chemical warheads;

(4) to maintain the military balance in the Middle East and Persian Gulf region through reductions of conventional weapons and the elimination of unconventional weapons; and

(5) to promote regional arms control in the Middle East and Persian Gulf region.

(c) **ACHIEVING THE PURPOSES OF THE REGIME.—**

(1) **CONTROLLING PROLIFERATION OF CONVENTIONAL WEAPONS.—**

In order to achieve the purposes described in subsection (b)(1), the United States should pursue the development of a multilateral arms transfer and control regime which includes—

(A) greater information-sharing practices among supplier nations regarding potential arms sales to all nations of the Middle East and Persian Gulf region;

(B) applying, for the control of conventional major military equipment, procedures already developed by the International Atomic Energy Agency, the Multilateral Coordinating Committee on Export Controls (COCOM), and the Missile Technology Control Regime (MTCR); and

(C) other strict controls on the proliferation of conventional major military equipment to the Middle East and Persian Gulf region.

(2) **HALTING PROLIFERATION OF UNCONVENTIONAL WEAPONS.—**

In order to achieve the purposes described in subsections (b) (2) and (3), the United States should build on existing and future agreements among supplier nations by pursuing the development of a multilateral arms transfer and control regime which includes—

(A) limitations and controls contained in the Enhanced Proliferation Control Initiative;

(B) limitations and controls contained in the Missile Technology Control Regime (MTCR);

(C) guidelines followed by the Australia Group on chemical and biological arms proliferation;

(D) guidelines adopted by the Nuclear Suppliers Group (the London Group); and

(E) other appropriate controls that serve to halt the flow of unconditional weapons to the Middle East and Persian Gulf region.

(3) **PROMOTION OF REGIONAL ARMS CONTROL AGREEMENTS.—**

In order to achieve the purposes described in subsections (b) (4) and (5), the United States should pursue with nations in the Middle East and Persian Gulf region—

(A) the maintenance of the military balance within the region, while eliminating nuclear, biological, and chemical weapons and associated delivery systems, and ballistic missiles;

(B) the implementation of confidence-building and security-building measures, including advance notification of certain ground and aerial military exercises in the Middle East and the Persian Gulf; and

(C) other useful arms control measures.

(d) **MAJOR MILITARY EQUIPMENT.—**As used in this title, the term “major military equipment” means—

(1) air-to-air, air-to-surface, and surface-to-surface missiles and rockets;

- (2) turbine-powered military aircraft;
- (3) attack helicopters;
- (4) main battle tanks;
- (5) submarines and major naval surface combatants;
- (6) nuclear, biological, and chemical weapons; and
- (7) such other defense articles and defense services as the President may determine.

SEC. 403. LIMITATION ON UNITED STATES ARMS SALES TO THE REGION.

Beginning 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, no sale of any defense article or defense service may be made to any nation in the Middle East and Persian Gulf region, and no license may be issued for the export of any defense article or defense service to any nation in the Middle East and Persian Gulf region, unless the President—

- (1) certifies in writing to the relevant congressional committees that the President has undertaken good faith efforts to convene a conference for the establishment of an arms suppliers regime having elements described in section 402; and
- (2) submits to the relevant congressional committees a report setting forth a United States plan for leading the world community in establishing such a multilateral regime to restrict transfers of advanced conventional and unconventional arms to the Middle East and Persian Gulf region.

SEC. 404. REPORTS TO THE CONGRESS.

President.

(a) **QUARTERLY REPORTS.**—Beginning on January 15, 1992, and quarterly thereafter through October 15, 1993, the President shall submit to the relevant congressional committees a report—

- (1) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and
- (2) describing efforts by the United States and progress made to induce other countries to curtail significantly the volume of their arms sales to the Middle East and Persian Gulf region, and if such efforts were not made, the justification for not making such efforts.

(b) **INITIAL REPORT ON TRANSFERS AND REGIONAL MILITARY BALANCE.**—Not later than 60 days after the date of enactment of the International Cooperation Act of 1991 or the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, whichever is enacted first, the President shall submit to the relevant congressional committee a report—

- (1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year and the previous 5 calendar years, including sources, types, and recipient nations of weapons;
- (2) analyzing the current military balance in the region, including the effect on the balance of transfers documented under paragraph (1);
- (3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b);
- (4) describing any agreements establishing such a regime; and

(5) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

(c) ANNUAL REPORTS ON TRANSFERS AND REGIONAL MILITARY BALANCE.—Beginning July 15, 1992, and every 12 months thereafter, the President shall submit to the relevant congressional committees a report—

(1) documenting all transfers of conventional and unconventional arms by any nation to the Middle East and Persian Gulf region over the previous calendar year, including sources, types, and recipient nations of weapons;

(2) analyzing the current military balance in the region, including the effect on the balance of transfer documented under paragraph (1);

(3) describing the progress in implementing the purposes of the multilateral arms transfer and control regime as described in section 402(b); and

(4) identifying supplier nations that have refused to participate in such a regime or that have engaged in conduct that violates or undermines such a regime.

SEC. 405. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

As used in this title, the term “relevant congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE V—CHEMICAL AND BIOLOGICAL WEAPONS CONTROL

SEC. 501. SHORT TITLE.

This title may be cited as the “Chemical and Biological Weapons Control and Warfare Elimination Act of 1991”.

SEC. 502. PURPOSES.

The purposes of title are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons;

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

Chemical and
Biological
Weapons
Control and
Warfare
Elimination Act
of 1991.
22 USC 5601
note.

22 USC 5601.

SEC. 503. MULTILATERAL EFFORTS.

22 USC 5602.

(a) **MULTILATERAL CONTROLS ON PROLIFERATION.**—It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing “appropriate and effective” sanctions against any country which uses chemical weapons in violation of international law.

(b) **MULTILATERAL CONTROLS ON CHEMICAL AGENTS, PRECURSORS, AND EQUIPMENT.**—It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group’s objective to support the norms and restraints against the spread and the use of chemical warfare, to advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group’s domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group’s coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a “denial” list of firms and individuals who violate the Australia Group’s export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose political commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

22 USC 5603.

President.

SEC. 504. UNITED STATES EXPORT CONTROLS.

(a) IN GENERAL.—The President shall—

(1) use the authorities of the Arms Export Control Act to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 to control the export of those goods and technology, that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(b) EXPORT ADMINISTRATION ACT.—Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (m) through (r) as subsections (n) through (s), respectively; and

(2) by inserting after subsection (l) the following:

“(m) CHEMICAL AND BIOLOGICAL WEAPONS.—

“(1) ESTABLISHMENT OF LIST.—The Secretary, in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies, shall establish and maintain, as part of the list maintained under this section, a list of goods and technology that would directly and substantially assist a foreign government or group in acquiring the capability to develop, produce, stockpile, or deliver chemical or biological weapons, the licensing of which would be effective in barring acquisition or enhancement of such capability.

“(2) REQUIREMENT FOR VALIDATED LICENSES.—The Secretary shall require a validated license for any export of goods or technology on the list established under paragraph (1) to any country of concern.

“(3) COUNTRIES OF CONCERN.—For purposes of paragraph (2), the term ‘country of concern’ means any country other than—

“(A) a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of goods or technology on the list established under paragraph (1); and

“(B) such other countries as the Secretary of State, in consultation with the Secretary and the Secretary of Defense, shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.”.

President.

SEC. 505. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

(a) AMENDMENT TO EXPORT ADMINISTRATION ACT.—The Export Administration Act of 1979 is amended by inserting after section 11B the following:

“CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS

“SEC. 11C. (a) IMPOSITION OF SANCTION.—

“(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose the sanction de-

50 USC app.
2410c.

scribed in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

“(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States under this Act, or

“(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States under this Act,

to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

“(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

“(A) any foreign country that the President determines has, at any time after January 1, 1980—

“(i) used chemical or biological weapons in violation of international law;

“(ii) used lethal chemical or biological weapons against its own nationals; or

“(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

“(B) any foreign country whose government is determined for purposes of section 6(j) of this Act to be a government that has repeatedly provided support for acts of international terrorism; or

“(C) any other foreign country, project, or entity designated by the President for purposes of this section.

“(3) PERSONS AGAINST WHOM SANCTION IS TO BE IMPOSED.—A sanction shall be imposed pursuant to paragraph (1) on—

“(A) the foreign person with respect to which the President makes the determination described in that paragraph;

“(B) any successor entity to that foreign person;

“(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

“(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

“(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

“(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

“(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate pen-

alties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

“(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

“(c) SANCTION.—

“(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

“(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

“(A) in the case of procurement of defense articles or defense services—

“(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

“(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

“(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

“(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

“(C) to—

“(i) spare parts,

“(ii) component parts, but not finished products, essential to United States products or production, or

“(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

“(D) to information and technology essential to United States products or production; or

“(E) to medical or other humanitarian items.

“(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its

efforts to acquire chemical or biological weapons capability as described in that subsection.

“(e) WAIVER.—

“(1) CRITERION FOR WAIVER.—The President may waive the application of the sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

“(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

“(f) DEFINITION OF FOREIGN PERSON.—For purposes of this section, the term ‘foreign person’ means—

“(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

“(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.”.

(b) AMENDMENT TO ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by inserting after chapter 7 the following:

**“CHAPTER 8—CHEMICAL OR BIOLOGICAL WEAPONS
PROLIFERATION**

“SEC. 81. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.

22 USC 2798.

“(a) IMPOSITION OF SANCTION.—

“(1) DETERMINATION BY THE PRESIDENT.—Except as provided in subsection (b)(2), the President shall impose the sanction described in subsection (c) if the President determines that a foreign person, on or after the date of the enactment of this section, has knowingly and materially contributed—

“(A) through the export from the United States of any goods or technology that are subject to the jurisdiction of the United States,

“(B) through the export from any other country of any goods or technology that would be, if they were United States goods or technology, subject to the jurisdiction of the United States, or

“(C) through any other transaction not subject to sanctions pursuant to the Export Administration Act of 1979, to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

“(2) COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.—Paragraph (1) applies in the case of—

“(A) any foreign country that the President determines has, at any time after January 1, 1980—

“(i) used chemical or biological weapons in violation of international law;

“(ii) used lethal chemical or biological weapons against its own nationals; or

“(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

“(B) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)) to be a government that has repeatedly provided support for acts of international terrorism; or

“(C) any other foreign country, project, or entity designated by the President for purposes of this section.

“(3) PERSONS AGAINST WHOM SANCTIONS ARE TO BE IMPOSED.—

A sanction shall be imposed pursuant to paragraph (1) on—

“(A) the foreign person with respect to which the President makes the determination described in that paragraph;

“(B) any successor entity to that foreign person;

“(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

“(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

“(b) CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.—

“(1) CONSULTATIONS.—If the President makes the determination described in subsection (a)(1) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of a sanction pursuant to this section.

“(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue such consultations with that government, the President may delay the imposition of a sanction pursuant to this section for a period of up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay the imposition of the sanction for an additional period of up to 90 days if the President determines and certifies to the Congress that that government is in the process of taking the actions described in the preceding sentence.

“(3) REPORT TO CONGRESS.—The President shall report to the Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

“(c) SANCTION.—

“(1) DESCRIPTION OF SANCTION.—The sanction to be imposed pursuant to subsection (a)(1) is, except as provided in paragraph (2) of this subsection, that the United States Government shall

not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

“(2) EXCEPTIONS.—The President shall not be required to apply or maintain a sanction under this section—

“(A) in the case of procurement of defense articles or defense services—

“(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

“(ii) if the President determines that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

“(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

“(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

“(C) to—

“(i) spare parts,

“(ii) component parts, but not finished products, essential to United States products or production, or

“(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

“(D) to information and technology essential to United States products or production; or

“(E) to medical or other humanitarian items.

“(d) TERMINATION OF SANCTION.—A sanction imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of the sanction and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts to acquire chemical or biological weapons capability as described in that subsection.

“(e) WAIVER.—

“(1) CRITERION FOR WAIVER.—The President may waive the application of a sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which the sanction was imposed on that person, if the President determines and certifies to the Congress that such waiver is important to the national security interests of the United States.

“(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

“(f) **DEFINITION OF FOREIGN PERSON.**—For purposes of this section, the term ‘foreign person’ means—

“(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

“(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.”

President.
22 USC 5604.

SEC. 506. DETERMINATIONS REGARDING USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

(a) **DETERMINATION BY THE PRESIDENT.**—

(1) **WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.**—Whenever persuasive information becomes available to the executive branch indicating the substantial possibility that, on or after the date of the enactment of this Act, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date of enactment, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 507 applies if the President determines that that government has so used chemical or biological weapons.

(2) **MATTERS TO BE CONSIDERED.**—In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.

(B) All information provided by alleged victims, witnesses, and independent observers.

(C) The extent of the availability of the weapons in question to the purported user.

(D) All official and unofficial statements bearing on the possible use of such weapons.

(E) Whether, and to what extent, the government in question is willing to honor a request from the Secretary General of the United Nations to grant timely access to a United Nations fact-finding team to investigate the possibility of chemical or biological weapons use or to grant such access to other legitimate outside parties.

(3) **DETERMINATION TO BE REPORTED TO CONGRESS.**—Upon making a determination under paragraph (1), the President shall promptly report that determination to the Congress. If the determination is that a foreign government had used chemical or biological weapons as described in that paragraph, the report shall specify the sanctions to be imposed pursuant to section 507.

(b) **CONGRESSIONAL REQUESTS; REPORT.**—

(1) **REQUEST.**—The Chairman of the Committee on Foreign Relations of the Senate (upon consultation with the ranking minority member of such committee) or the Chairman of the Committee on Foreign Affairs of the House of Representatives (upon consultation with the ranking minority member of such committee) may at any time request the President to consider whether a particular foreign government, on or after the date of the enactment of this Act, has used chemical or biological

weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals.

(2) **REPORT TO CONGRESS.**—Not later than 60 days after receiving such a request, the President shall provide to the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on Foreign Affairs of the House of Representatives a written report on the information held by the executive branch which is pertinent to the issue of whether the specified government, on or after the date of the enactment of this Act, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. This report shall contain an analysis of each of the items enumerated in subsection (a)(2).

SEC. 507. SANCTIONS AGAINST USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

President.
22 USC 5605.

(a) **INITIAL SANCTIONS.**—If, at any time, the President makes a determination pursuant to section 506(a)(1) with respect to the government of a foreign country, the President shall forthwith impose the following sanctions:

(1) **FOREIGN ASSISTANCE.**—The United States Government shall terminate assistance to that country under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

(2) **ARMS SALES.**—The United States Government shall terminate—

(A) sales to that country under the Arms Export Control Act of any defense articles, defense services, or design and construction services, and

(B) licenses for the export to that country of any item on the United States Munitions List.

(3) **ARMS SALES FINANCING.**—The United States Government shall terminate all foreign military financing for that country under the Arms Export Control Act.

(4) **DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.**—The United States Government shall deny to that country any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

(5) **EXPORTS OF NATIONAL SECURITY-SENSITIVE GOODS AND TECHNOLOGY.**—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. 2405) shall be used to prohibit the export to that country of any goods or technology on that part of the control list established under section 5(c)(1) of that Act (22 U.S.C. 2404(c)(1)).

(b) **ADDITIONAL SANCTIONS IF CERTAIN CONDITIONS NOT MET.**—

(1) **PRESIDENTIAL DETERMINATION.**—Unless, within 3 months after making a determination pursuant to section 506(a)(1) with respect to a foreign government, the President determines and certifies in writing to the Congress that—

(A) that government is no longer using chemical or biological weapons in violation of international law or using lethal chemical or biological weapons against its own nationals,

(B) that government has provided reliable assurances that it will not in the future engage in any such activities, and

(C) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers, or other reliable means exist, to ensure that that government is not using chemical or biological weapons in violation of international law and is not using lethal chemical or biological weapons against its own nationals,

then the President, after consultation with the Congress, shall impose on that country the sanctions set forth in at least 3 of subparagraphs (A) through (E) of paragraph (2).

(2) SANCTIONS.—The sanctions referred to in paragraph (1) are the following:

(A) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The United States Government shall oppose, in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to that country by international financial institutions.

(B) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit to the government of that country, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

(C) FURTHER EXPORT RESTRICTIONS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to that country of all goods and technology not otherwise prohibited under subsection (a)(5) (excluding food and other agricultural commodities and products).

(D) DIPLOMATIC RELATIONS.—The President shall use his constitutional authorities to downgrade or suspend diplomatic relations between the United States and the government of that country.

(E) PRESIDENTIAL ACTION REGARDING AVIATION.—(i)(I) The President is authorized to notify the government of a country with respect to which the President has made a determination pursuant to section 506(a)(1) of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

(II) Within 10 days after the date of notification of a government under subclause (I), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

(ii)(I) The President may direct the Secretary of State to terminate any air service agreement between the United States and a country with respect to which the President has made a determination pursuant to section 506(a)(1), in accordance with the provisions of that agreement.

(II) Upon termination of an agreement under this clause, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

(iii) The Secretary of Transportation may provide for such exceptions from clauses (i) and (ii) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(iv) For purposes of this subparagraph, the terms "air transportation", "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings such terms have under section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

(c) REMOVAL OF SANCTIONS.—The President shall remove the sanctions imposed with respect to a country pursuant to this section if the President determines and so certifies to the Congress, after the end of the 12-month period beginning on the date on which sanctions were initially imposed on that country pursuant to subsection (a), that—

(1) the government of that country has provided reliable assurances that it will not use chemical or biological weapons in violation of international law and will not use lethal chemical or biological weapons against its own nationals;

(2) that government is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals;

(3) that government is willing to allow on-site inspections by United Nations observers or other internationally recognized, impartial observers to verify that it is not making preparations to use chemical or biological weapons in violation of international law or to use lethal chemical or biological weapons against its own nationals, or other reliable means exist to verify that it is not making such preparations; and

(4) that government is making restitution to those affected by any use of chemical or biological weapons in violation of international law or by any use of lethal chemical or biological weapons against its own nationals.

(d) WAIVER.—

(1) CRITERIA FOR WAIVER.—The President may waive the application of any sanction imposed with respect to a country pursuant to this section—

(A) if the President determines and certifies to the Congress that such waiver is essential to the national security interests of the United States, and if the President notifies the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of his determination and certification at least 15 days before the waiver takes effect, in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, except that such procedures shall not apply to a waiver of the sanction specified in subsection (b)(2)(D) (relating to the downgrading or suspension of diplomatic relations); or

(B) if the President determines and certifies to the Congress that there has been a fundamental change in the leadership and policies of the government of that country, and if the President notifies the Congress at least 20 days before the waiver takes effect.

(2) REPORT.—In the event that the President decides to exercise the waiver authority provided in paragraph (1) with respect to a country, the President's notification to the Congress under such paragraph shall include a report fully articulating the rationale and circumstances which led the President to exercise that waiver authority, including a description of the steps which the government of that country has taken to satisfy the conditions set forth in paragraphs (1) through (4) of subsection (c).

(e) CONTRACT SANCTITY.—

(1) SANCTIONS NOT APPLIED TO EXISTING CONTRACTS.—(A) A sanction described in paragraph (4) or (5) of subsection (a) or in any of subparagraphs (A) through (C) of subsection (b)(2) shall not apply to any activity pursuant to any contract or international agreement entered into before the date of the presidential determination under section 506(a)(1) unless the President determines, on a case-by-case basis, that to apply such sanction to that activity would prevent the performance of a contract or agreement that would have the effect of assisting a country in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals.

(B) The same restrictions of subsection (p) of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405), as that subsection is so redesignated by section 504(b) of this Act, which are applicable to exports prohibited under section 6 of that Act shall apply to exports prohibited under subsection (a)(5) or (b)(2)(C) of this section. For purposes of this subparagraph, any contract or agreement the performance of which (as determined by the President) would have the effect of assisting a foreign government in using chemical or biological weapons in violation of international law or in using lethal chemical or biological weapons against its own nationals shall be treated as constituting a breach of the peace that poses a serious and direct threat to the strategic interest of the United States, within the meaning of subparagraph (A) of section 6(p) of that Act.

(2) SANCTIONS APPLIED TO EXISTING CONTRACTS.—The sanctions described in paragraphs (1), (2), and (3) of subsection (a) shall apply to contracts, agreements, and licenses without regard to the date the contract or agreement was entered into or the license was issued (as the case may be), except that such sanctions shall not apply to any contract or agreement entered into or license issued before the date of the presidential determination under section 506(a)(1) if the President determines that the application of such sanction would be detrimental to the national security interests of the United States.

22 USC 5606.

SEC. 508. PRESIDENTIAL REPORTING REQUIREMENTS.

(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

(1) a description of the actions taken to carry out this title, including the amendments made by this title;

(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

(3) a description of—

(A) the use of chemical weapons by foreign countries in violation of international law,

(B) the use of chemical weapons by subnational groups,

(C) substantial preparations by foreign countries and subnational groups to do so, and

(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

(b) **PROTECTION OF CLASSIFIED INFORMATION.**—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 1415 (S. 1433):

HOUSE REPORTS: Nos. 102-53 (Comm. on Foreign Affairs) and 102-238 (Comm. of Conference).

SENATE REPORTS: No. 102-98 accompanying S. 1433 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 137 (1991):

May 14, 15, considered and passed House.

July 29, considered and passed Senate, amended, in lieu of S. 1433.

Oct. 4, Senate agreed to conference report.

Oct. 8, House agreed to conference report.

Public Law 102-139
102d Congress

An Act

Oct. 28, 1991
[H.R. 2519]

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes.

Departments of
Veterans Affairs
and Housing and
Urban
Development,
and Independent
Agencies
Appropriations
Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 412, 777, and 806, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$15,841,620,000, to remain available until expended: *Provided*, That not less than \$9,711,000 of the foregoing amount shall be transferred to "General operating expenses" for necessary expenses in implementing those savings provisions authorized in the Omnibus Budget Reconciliation Act of 1990, the funding source for which is specifically provided as the "Compensation and pensions" appropriation.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34-36, 39, 51, 53, 55, and 61), \$635,400,000, to remain available until expended: *Provided*, That, funds shall be available to pay any court order, court award or any compromise settlement arising from

litigation involving the vocational training program authorized by section 18 of Public Law 98-77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), \$25,740,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 38 U.S.C. chapter 37, as amended, such sums as may be necessary to carry out the purpose of the program.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$39,689,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 38 U.S.C. chapter 37, as amended, such sums as may be necessary to carry out the purpose of the program.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$85,870,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 38 U.S.C. chapter 37, as amended, such sums as may be necessary to carry out the purpose of the program: *Provided*, That during 1992, within the resources available, not to exceed \$1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, \$1,368,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 38 U.S.C. 1798, as amended, \$8,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$21,000.

In addition, for administrative expenses necessary to carry out the education loan program, \$307,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 38 U.S.C. chapter 31, as amended, \$105,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$1,688,000.

In addition, for administrative expenses necessary to carry out the vocational rehabilitation revolving fund program, \$936,000, which may be transferred to and merged with the appropriation for "General operating expenses" to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed \$2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); \$13,512,920,000, plus reimbursements: *Provided*, That of the sum appropriated, \$8,740,000,000 is available only for expenses in the personnel compensation and benefits object classifications: *Provided further*, That of the funds made available under this heading, \$413,360,000 is for the equipment and land and structures object

classifications only, which amount shall not become available for obligation until August 1, 1992: *Provided further*, That of the collections deposited in the "Medical care cost recovery revolving fund" pursuant to the Omnibus Budget Reconciliation Act of 1990, not more than \$77,000,000 shall be available in fiscal year 1992 to cover the costs of collection activities: *Provided further*, That of the funds made available under this heading, not to exceed \$3,000,000 shall be available for transfer to the Medical Administration and Miscellaneous Operating Expenses Appropriation for quality assurance functions: *Provided further*, That of the funds made available under this heading, \$700,000 shall be made available for a rural mobile clinic in the State of Vermont.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1993, \$227,000,000, plus reimbursements.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

For payment of health professional scholarship program grants, as authorized by law, to students who agree to a service obligation with the Department of Veterans Affairs at one of its medical facilities, \$10,113,000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law, \$40,479,000, plus reimbursements.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, \$500,000, to remain available until September 30, 1993.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; \$796,000,000, of which \$42,000,000 for the acquisition of automated data processing equipment and services to support the modernization program in the Veterans Benefits Administration shall not become available for obligation until September 1, 1992, and shall remain available for obligation until September 30, 1993: *Provided*, That in addition to the foregoing amount made available under this head, \$14,100,000 is

President.

appropriated for the unbudgeted fiscal year 1992 incremental costs associated with Operation Desert Shield/Operation Desert Storm and such funds are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the funds appropriated in the preceding proviso shall be available only after submission to the Congress of a formal budget request by the President that designates said amount as an emergency requirement as defined in section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the \$616,658,000 appropriated for the Veterans Benefits Administration in the "General operating expenses" appropriation of Public Law 101-507, is reduced to \$613,658,000, and the \$3,000,000 shall be available for the National Cemetery System.

NATIONAL CEMETERY SYSTEM

For necessary operating expenses of the National Cemetery System not otherwise provided for, including uniforms or allowance therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, \$67,045,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$29,959,000.

CONSTRUCTION, MAJOR PROJECTS

Contracts.

Reports.

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 230, 1004, 1006, 5002, 5003, 5006, 5008, 5009, 5010, and 5022 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, where the estimated cost of a project is \$3,000,000 or more or where funds for a project were made available in a previous major project appropriation, \$414,250,000, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1992, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1992, and (2) by the awarding of a construction contract by September 30, 1993: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no

funds from any other account except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Department of Veterans Affairs medical facility must certify that the design of such project is acceptable from a patient care standpoint: *Provided further*, That \$100,000 of the funds made available under this heading shall be for the purchase of land adjacent to the Veterans Medical Center, Beckley, West Virginia.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, or for any of the purposes set forth in sections 230, 1004, 1006, 5002, 5003, 5006, 5008, 5009, 5010, and 5022 of title 38, United States Code, where the estimated cost of a project is less than \$3,000,000, \$190,701,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than \$3,000,000: *Provided*, That not more than \$41,176,000 shall be available for expenses of the Office of Facilities, including research and development in building construction technology: *Provided further*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING GARAGE REVOLVING FUND

For the parking garage revolving fund as authorized by law (38 U.S.C. 5009), \$19,200,000, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 5009 except operations and maintenance costs which will be funded from "Medical care": *Provided*, That from funds previously appropriated under this head, the Department of Veterans Affairs shall construct parking facilities with at least 1,500 spaces at the Detroit VA Medical Center.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as au-

thorized by law (38 U.S.C. 5031-5037), \$85,000,000, to remain available until September 30, 1994.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by law (38 U.S.C. 1008), \$5,104,000, to remain available until September 30, 1994.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1992 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Department of Veterans Affairs for 1992 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects" and the "Parking garage revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Appropriations available to the Department of Veterans Affairs for fiscal year 1992 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities", shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1991.

Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1992 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, 1987, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

Notwithstanding the funding limitations contained in section 346 of Public Law 100-322 (May 20, 1988), appropriations available to the Department of Veterans Affairs for fiscal year 1992 for the National Cemetery System shall be available for the operation and maintenance of the National Memorial Cemetery of Arizona (formerly the Arizona Veterans Memorial Cemetery): *Provided*, That the provisions of this paragraph regarding the National Memorial Cemetery of Arizona shall be effective until (a) enactment into law of legislation concerning funding for the National Memorial Cemetery of Arizona or (b) November 30, 1991, whichever first occurs.

SEC. 101. (a) REGULATIONS FOR STANDARDS OF PERFORMANCE IN DEPARTMENT OF VETERANS AFFAIRS LABORATORIES.—(1) Within the 120-day period beginning on the date on which the Secretary of Health and Human Services promulgates final regulations to implement the standards required by section 353 of the Public Health

Service Act (42 U.S.C. 263a), the Secretary of Veterans Affairs, in accordance with the Secretary's authority under title 38, United States Code, shall prescribe regulations to assure consistent performance by medical facility laboratories under the jurisdiction of the Secretary of valid and reliable laboratory examinations and other procedures. Such regulations shall be prescribed in consultation with the Secretary of Health and Human Services and shall establish standards equal to that applicable to other medical facility laboratories in accordance with the requirements of section 353(f) of the Public Health Service Act.

(2) Such regulations—

(A) may include appropriate provisions respecting waivers described in section 353(d) of such Act and accreditations described in section 353(e) of such Act; and

(B) shall include appropriate provisions respecting compliance with such requirements.

(b) **REPORT.**—Within the 180-day period beginning on the date on which the Secretary of Veterans Affairs prescribes regulations required by subsection (a), the Secretary shall submit to the appropriate committees of the Congress a report on those regulations.

(c) **DEFINITION.**—As used in this section, the term “medical facility laboratories” means facilities for the biological, micro-biological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other physical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS)

(INCLUDING TRANSFER OF FUNDS)

For the HOPE for Public and Indian Housing Homeownership Program as authorized under title III of the United States Housing Act of 1937 (42 U.S.C. 1437aaa et seq.) and subtitle A of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), \$161,000,000; for the HOPE for Homeownership of Multifamily Units Program as authorized under title III of the United States Housing Act of 1937 and subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), \$95,000,000; for the HOPE for Homeownership of Single Family Homes Program as authorized under title III of the United States Housing Act of 1937 and subtitle C of title IV of the Cranston-Gonzalez National Affordable Housing Act, \$95,000,000; and for the HOPE for Elderly Independence demonstration program as authorized under section 803(k) of the Cranston-Gonzalez National Affordable Housing Act, \$10,000,000: *Provided*, That all amounts shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, a mutual housing association shall qualify as an applicant under the HOPE for

Homeownership of Multifamily Units Program: *Provided further*, That in selecting eligible families to acquire vacant units under the HOPE for Homeownership of Single Family Homes program, the recipient shall give a first preference to otherwise qualified eligible families who reside in public or Indian housing: *Provided further*, That of the amounts made available by this paragraph, \$225,000,000 shall be derived by transfer from amounts made available for nonincremental use under the heading "Annual contributions for assisted housing" in fiscal year 1991 and prior years which remains unreserved at the end of fiscal year 1991.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), \$1,500,000,000, to remain available until expended: *Provided*, That the Secretary shall not, as a condition of assisting a participating jurisdiction under such Act using amounts provided herein for fiscal year 1992 only, require any contributions by or in behalf of a participating jurisdiction, notwithstanding section 220 of such Act.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION OF FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, \$8,070,201,000, to remain available until expended: *Provided*, That to be added to and merged with the foregoing amounts, there shall be \$2,287,000,000, consisting of \$537,000,000 of budget authority previously made available under this head for nonincremental purposes which remains unreserved at the end of fiscal year 1991; and \$1,750,000,000 of section 8 funds arising from the conversion to the new capital advance program of projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That, from the foregoing total of \$10,357,201,000, \$227,170,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); \$573,983,000 shall be for the development or acquisition cost of public housing, including \$15,719,158 for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and, notwithstanding the 20 per centum limitation under section 5(j)(2) of the Act, of the \$573,983,000 for the development or acquisition of public housing, \$200,000,000 shall be awarded competitively for construction or major reconstruction of obsolete public housing projects, other than for Indian families: *Provided further*, That of the \$10,357,201,000 total under this head, \$2,800,975,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including funds for the comprehensive testing, abatement, and risk assessment of lead, of which \$25,000,000 shall be for the risk assessment of lead and \$5,000,000 shall be for technical assistance and training under

section 20 of the Act (42 U.S.C. 1437r), and \$7,437,600 shall be for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further*, That of the \$10,357,201,000 total under this head, \$915,750,000 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f), including \$50,000,000 for a Foster Child Care demonstration program involving 11 States, \$12,840,790 for a demolition/disposition demonstration program in Saint Louis, Missouri, pursuant to section 513 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and \$20,000,000 for a demonstration involving five cities with populations exceeding 400,000 in metropolitan areas with populations exceeding 1,500,000, under which the Secretary shall carry out metropolitan-wide programs, designed to assist families with children to move out of areas with high concentrations of persons living in poverty, through contracts with nonprofit organizations and through annual contributions contracts with public housing agencies for administration of housing assistance payments contracts: *Provided further*, That of the \$10,357,201,000 total provided under this head, \$794,167,000 shall be for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)); \$2,300,000,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended, including \$70,000,000 which shall be for rental adjustments resulting from the application of an annual adjustment factor in accordance with section 801 of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235); \$618,462,000 shall be for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intent to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized in the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and of the \$618,462,000 made available for such assistance, up to \$25,000,000 shall be for use by nonprofit organizations, pursuant to section 212 of the Emergency Low Income Housing Preservation Act of 1987, as amended by the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), and for tenant and community-based nonprofit education, training and capacity building and the development of State and local preservation strategies; \$88,884,000 shall be for section 8 assistance for property disposition; and \$257,000,000 shall be for loan management: *Provided further*, That any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1)(42 U.S.C. 1437f(b)(1)) shall be obligated for a contract term that is no more than five years: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That up to \$167,000,000 of amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C.

1437f), which are recaptured during fiscal year 1992, shall be rescinded: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 101-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: *Provided further*, That of the \$10,357,201,000 total, \$50,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625) and \$50,000,000 shall be for grants to States and units of general local government for the abatement of significant lead-based paint and lead dust hazards in low- and moderate-income owner-occupied units and low-income privately-owned rental units: *Provided further*, That such grant funds shall be available only for projects conducted by contractors certified and workers trained through a federally- or State-accredited program: *Provided further*, That, to be eligible for such grants, States and units of general local government must demonstrate the capability to identify significant-hazard housing units, to oversee the safe and effective conduct of the abatement, and to assure the future availability of abated units to low- and moderate-income persons; and \$4,200,000 shall be for the housing demonstration under section 304(e)(1) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); *Provided further*, That of the \$54,250,000 earmarked in Public Law 101-507 for special purpose grants (104 Stat. 1351, 1357), \$667,000 made available for the city of Chicago to assist the Ashland II Redevelopment Project shall instead be made available for the city of Chicago to assist the Marshway Project: *Provided further*, That notwithstanding the language preceding the first proviso of this paragraph, \$150,000,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of managers (H. Rept. 102-226) accompanying this H.R. 2519, including \$500,000 for the city of Kansas City, Kansas to operate a social service center.

Of the \$10,357,201,000 total under this head, \$538,808,000 shall be for capital advances for housing for the elderly as authorized by section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); \$451,200,000 shall be for project rental assistance for supportive housing for the elderly under such section 202(c)(2) of the Housing Act of 1959; \$148,700,000 shall be for amendments to rental assistance contracts for projects for the elderly that receive capital advances or projects reserved under section 202 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act; and \$16,250,000 shall be for service coordinators pursuant to section 202(g) of the Housing Act of 1959, as amended by section 808 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided*, That to the extent that the funding provided herein for rental assistance contracts for the elderly that receive capital advances is insufficient to match the units provided through capital advances, funds deemed excess in other section 8 programs may be added to and merged with the rental assistance

funding to ensure that sufficient rental assistance units are available.

Of the \$10,357,201,000 total under this head, \$102,860,000 shall be for capital advances for housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625); \$100,159,000 shall be for project rental assistance for persons with disabilities under section 811(b)(2) of the Cranston-Gonzalez National Affordable Housing Act; and \$23,300,000 shall be for amendments to rental assistance contracts for projects for the handicapped that receive capital advances, including projects previously reserved under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act.

The Secretary of Housing and Urban Development shall make a commitment and provide capital advance assistance under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act, or section 811 of such Act if the project is for persons with disabilities, for any project for which there is a loan reservation under section 202 of the Housing Act of 1959 as it existed before enactment of the Cranston-Gonzalez National Affordable Housing Act, if the loan has not been executed and recorded, and if the project is making satisfactory progress under 24 CFR section 885.230: *Provided*, That the Secretary shall not make such commitments and provide such capital advance assistance before January 1, 1992: *Provided further*, That the Secretary shall have the discretion until April 1, 1992 not to terminate a project and not to convert a project to capital advance assistance: *Provided further*, That upon converting a project to capital advance assistance, the loan reservation for such project shall be terminated: *Provided further*, That a project not making satisfactory progress under 24 CFR section 885.230 shall not have its loan reservation terminated before January 1, 1992, and the Secretary shall ensure that the processing of all projects through loan execution and recordation or the making of the capital advance is expedited, and that no project being so processed shall have the order in which it is processed arbitrarily changed: *Provided further*, That an owner of a project that is converted pursuant to this paragraph shall be permitted voluntarily to provide funds for capital costs in addition to the capital advance, from debt or other non-Federal sources.

With respect to each project that has a loan reservation terminated pursuant to the immediately foregoing paragraph, the Secretary of Housing and Urban Development shall convert each funding reservation that was made under section 8 of the United States Housing Act of 1937 or section 202(h) of the Housing Act of 1959, before enactment of the Cranston-Gonzalez National Affordable Housing Act, to a commitment for project rental assistance under such section 202 as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act or section 811 of the Act.

ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS

For assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) not otherwise provided for, for use in connection with expiring section 8 subsidy contracts, \$7,355,128,000, to remain available until expended: *Provided*, That funds provided under this paragraph may not be obligated for a contract term that is less than

five years: *Provided further*, That the Secretary may maintain consolidated accounting data for funds disbursed at the Public Housing Agency or Indian Housing Authority or project level for subsidy assistance regardless of the source of the disbursement so as to minimize the administrative burden of multiple accounts.

Further, for the foregoing purposes, \$850,000,000, to become available for obligation on October 1, 1992, and to remain available for obligation until expended.

Maine.

For those projects in the State of Maine, the owners of which have converted their section 23 leased housing contracts (former section 23 of the Act, as amended by section 103(a), Housing and Urban Development Act of 1965, Public Law 89-117, 79 Stat. 451, 455) to section 8, the subsidy provided shall be for a five-year extension of such projects' current housing assistance payments contracts.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1992 by not more than \$2,393,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

RENT SUPPLEMENT PROGRAM

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1992 by not more than \$2,448,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and non-profit corporations for congregate services programs in accordance with the provisions of the Congregate Housing Services Act of 1978, as amended, \$17,700,000, to remain available until September 30, 1993.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$2,450,000,000: *Provided*, That of the funds provided under this heading, \$294,156,000 shall not become available for obligation until September 20, 1992.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property

maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii), section 106(a)(2), section 106(c), and section 106(d) of the Housing and Urban Development Act of 1968, as amended, \$6,025,000, of which \$350,000 shall be available for the prepurchase and foreclosure-prevention counseling demonstration program.

FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, and under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, \$50,000,000, and all uncommitted balances of excess rental charges as of September 30, 1991, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1992, to remain available until expended: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1992, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$60,000,000,000.

For administrative expenses necessary to carry out the guaranteed loan program, \$255,645,000, to be derived from the FHA-Mutual Mortgage Insurance Guaranteed Loans Receipt account, of which not to exceed \$250,100,000 may be transferred to and merged with the appropriations for salaries and expenses; and of which not to exceed \$5,545,000 may be transferred to and merged with the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans under such funds authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), \$54,911,000: *Provided*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed of not to exceed \$8,651,901,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan programs, \$189,000,000, of which \$184,900,000 shall

be transferred and merged with the appropriations for salaries and expenses; and of which \$4,100,000 shall be transferred and merged with the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK INSURANCE FUNDS

On October 1, 1991, each outstanding obligation issued by the Secretary of Housing and Urban Development to the Secretary of the Treasury pursuant to section 520(b) of the National Housing Act, as amended, together with any promise to repay the principal and interest which has accrued on each obligation, and any other term or condition specified by each such obligation, is canceled.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by 42 U.S.C. 11901-11908, and for drug information clearinghouse services authorized by 42 U.S.C. 11921-11925, \$165,000,000, to remain available until expended: *Provided*, That \$5,700,000 of the foregoing amount shall be available for grants, contracts, or other assistance for technical assistance and training for or on behalf of public housing agencies and resident organizations (including the costs of necessary travel for participants in such training): *Provided further*, That \$10,000,000 of the foregoing amount shall be made available for grants for federally assisted, low-income housing.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1992, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed \$74,769,293,000. For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$6,595,000, to be derived from the GNMA—Guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed \$6,595,000 may be transferred to and merged with the appropriation for salaries and expenses.

HOMELESS ASSISTANCE

EMERGENCY SHELTER GRANTS PROGRAM

For the emergency shelter grants program, as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, \$73,164,000, to remain available until expended.

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the transitional and supportive housing demonstration program, as authorized under subtitle C of title IV of the Stewart B.

McKinney Homeless Assistance Act (Public Law 100-77), as amended, \$150,000,000, to remain available until expended.

The unexpended balances of the "Transitional housing demonstration program", available from the appropriations enacted in Public Law 99-500 and Public Law 99-591, and the unexpended balances of the "Supportive housing demonstration program", available from the appropriation enacted in Public Law 101-71, shall be added to and merged with amounts available under this heading.

SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS

For grants for supplemental assistance for facilities to assist the homeless as authorized under subtitle D of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, \$11,263,000, notwithstanding section 837(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), to remain available until expended.

SECTION 8 MODERATE REHABILITATION

SINGLE ROOM OCCUPANCY

For assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437f), for the section 8 moderate rehabilitation program, to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), \$105,000,000, to remain available until expended.

SHELTER PLUS CARE: SECTION 8 MODERATE REHABILITATION, SINGLE ROOM OCCUPANCY

For the Shelter Plus Care: Section 8 moderate rehabilitation, single room occupancy program, as authorized under subtitle F, part III, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, \$73,333,000, to remain available until expended.

SHELTER PLUS CARE: SECTION 202 RENTAL ASSISTANCE

For the Shelter Plus Care: Section 202 rental assistance program, as authorized under subtitle F, part IV, of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, \$37,200,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), \$3,400,000,000, to remain available until September 30, 1994: *Provided*, That \$33,930,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), \$14,500,000 shall be available for "special purpose grants" pursuant to section 107 of such Act, and \$500,000 shall be available for a grant to demonstrate the feasibility of developing an in-

tegrated database system and computer mapping tool for compliance, programming, and evaluation of community development block grants pursuant to section 901 of the Cranston-Gonzalez National Affordable Housing Act of 1990: *Provided further*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds under section 107(b)(3) of such Act or funds set aside in the following proviso) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That \$5,000,000 shall be made available from the foregoing \$3,400,000,000 to carry out an early childhood development program under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z-6 note): *Provided further*, That \$2,000,000 shall be made available from the foregoing \$3,400,000,000 to carry out a neighborhood development demonstration under section 915 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625): *Provided further*, That after September 30, 1991, notwithstanding section 909 of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), no funds provided or heretofore provided in this or any other appropriations Act shall be used to establish or supplement a revolving fund under section 104(h) of the Housing and Community Development Act of 1974, as amended.

42 USC 5304
note.

During fiscal year 1992, total commitments to guarantee loans, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed \$140,000,000 of contingent liability for loan principal.

REHABILITATION LOAN FUND

(TRANSFER OF FUNDS)

Notwithstanding section 289(c) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), the assets and liabilities of the revolving fund established by section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), and any collections, including repayments or recaptured amounts, of such fund shall be transferred to and merged with the Revolving Fund (liquidating programs), established pursuant to title II of the Independent Offices Appropriation Act, 1955, as amended (12 U.S.C. 1701g-5), effective October 1, 1991.

12 USC
1701g-5c.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$25,000,000, to remain available until September 30, 1993: *Provided*, That \$1,000,000 of the foregoing amount shall be available for innovative building technologies research with the Research Center of the National Association of Home Builders.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Housing and Community Development Act of 1987, \$13,000,000, to remain available until September 30, 1993: *Provided*, That not less than \$8,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$7,000 for official reception and representation expenses, \$744,078,000, of which \$394,609,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That there shall be established, in the Office of the Secretary, an Office of Lead Based Paint Abatement and Poisoning Prevention to be headed by a career Senior Executive Service employee who shall be responsible for all lead-based paint abatement and poisoning prevention activities (including, but not limited to, research, abatement, training regulations and policy development): *Provided further*, That such office shall be allocated a staffing level of twenty staff years.

Establishment.
42 USC 3532
note.

PERSONAL SERVICES AND TRAVEL, OFFICE OF HOUSING

(INCLUDING TRANSFER OF FUNDS)

For personnel compensation and benefits for the headquarters Office of Housing, \$55,580,000, of which \$37,637,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That not to exceed \$1,276,000 of the \$55,580,000 herein provided shall be available for travel expenses of the Office of Housing: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF PUBLIC AND INDIAN HOUSING

For personnel compensation and benefits for the headquarters Office of Public and Indian Housing, \$10,424,000: *Provided*, That not to exceed \$491,000 of the \$10,424,000 herein provided shall be available for travel expenses of the Office of Public and Indian Housing: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

For personnel compensation and benefits for the headquarters Office of Community Planning and Development, \$17,872,000: *Provided*, That not to exceed \$439,000 of the \$17,872,000 herein provided shall be available for travel expenses of the Office of Community Planning and Development: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF POLICY DEVELOPMENT AND
RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For personnel compensation and benefits for the headquarters Office of Policy Development and Research, \$10,705,000: *Provided*, That not to exceed \$141,000 of the \$10,705,000 herein provided shall be available for travel expenses of the Office of Policy Development and Research: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF FAIR HOUSING AND EQUAL
OPPORTUNITY

For personnel compensation and benefits for the headquarters Office of Fair Housing and Equal Opportunity, \$10,516,000: *Provided*, That not to exceed \$377,000 of the \$10,516,000 herein provided shall be available for travel expenses of the Office of Fair Housing and Equal Opportunity: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, DEPARTMENTAL MANAGEMENT

For personnel compensation and benefits for the headquarters budget activity of Departmental Management, \$9,293,000: *Provided*, That not to exceed \$673,000 of the \$9,293,000 herein provided shall be available for travel expenses of the Departmental Management activity: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

PERSONAL SERVICES AND TRAVEL, OFFICE OF GENERAL COUNSEL

(INCLUDING TRANSFER OF FUNDS)

For personnel compensation and benefits for the headquarters Office of General Counsel, \$14,985,000, of which \$2,754,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That not to exceed \$259,000 of the \$14,985,000 herein provided shall be available for travel expenses of the Office of General Counsel: *Provided further*, That the amounts herein shall not be consolidated into a single administrative expenses fund

account, notwithstanding section 502(c)(3) of the Housing Act of 1948.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,665,000, of which \$9,645,000 shall be transferred from the various funds of the Federal Housing Administration.

California.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law or other requirement, the city of Vallejo, California, is authorized to retain any land disposition proceeds or urban renewal grant funds that remain after the financial closeout of the Marina Vista Urban Renewal Project, and to use such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The city of Vallejo shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

Notwithstanding any provision of law or other requirement, the Urban Renewal Authority of the city of Oklahoma City, in the State of Oklahoma, is authorized to retain any land disposition proceeds and other income from the financially closed-out Central Business District Number 1A Urban Renewal Project (OKLA. R-30) and John F. Kennedy Urban Renewal Project (OKLA. R-35) in accordance with the Close-out Agreements executed pursuant to 24 CFR 570.804(b)(5) October 16, 1979, and concurred in by the Secretary, which agreements obligated such proceeds to completion of project activities in consideration for the reduction of an approved categorical settlement grant in satisfaction of the repayment requirements of 24 CFR 570.486. The Urban Renewal Authority of the city of Oklahoma City shall retain such proceeds and other income in a lump sum and shall be entitled to retain and use, subject only to the provisions of 24 CFR 570.504(b)(5), such past and future proceeds, including any interest, for the completion of such project activities.

Oklahoma.

Notwithstanding any other provision of law or other requirement, the city of New London, Connecticut, is authorized to retain any land disposition proceeds or urban renewal grant funds that remain after the financial closeout of the Shaw's Cove Urban Renewal Project (No. Conn. R-126), and to use such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The city of New London shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

Connecticut.

Notwithstanding any other provision of law or other requirement, the cities of Newburyport and Malden, in Massachusetts, are authorized to retain any categorical settlement grant funds or urban renewal grant funds that remain after the financial closeout of the Central Business Urban Renewal Project (No. MASS-R-80) in the city of Newburyport and the Civic Center Urban Renewal Project (No. MASS-R-118) in the city of Malden, respectively, and to use

Massachusetts.

such funds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The cities of Newburyport and Malden shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such funds, including any interest.

Missouri.

Notwithstanding any other provision of law or other requirement, the Housing Authority of the city of Jefferson, in the State of Missouri, is authorized to retain any land disposition proceeds from the financially closed-out Capitol West Urban Renewal Project (Mo. R-45), pursuant to the agreement which permitted the retention of certain proceeds, which agreement was dated August 27, 1982, and to use such proceeds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The Housing Authority of the city of Jefferson City shall retain such funds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such proceeds, including any interest.

South Carolina.

The Secretary of Housing and Urban Development shall cancel the indebtedness of the town of Calhoun Falls, South Carolina, relating to the public facilities loan (Project No. SC-16-PFL0061). The town of Calhoun Falls, South Carolina, is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection with such loan.

During fiscal year 1992, notwithstanding any other provision of law, the number of individuals employed by the Department of Housing and Urban Development in other than "career appointee" positions in the Senior Executive Service shall not exceed 15.

42 USC 1437f.

Section 8(c)(1) of the United States Housing Act of 1937 is amended by inserting after "New York." the following new sentences: "The Secretary shall also establish separate fair market rentals under this paragraph for Monroe County in the Commonwealth of Pennsylvania. In establishing fair market rentals for the remaining portion of the market area in which Monroe County is located, the Secretary shall establish the fair market rentals as if such portion included Monroe County."

Pennsylvania.

12 USC 1701q.

Section 801(a) of the Cranston-Gonzalez National Affordable Housing Act is amended in the last sentence of subsection (g)(2) of the amendment to be made (by such section 801(a)) to section 202 of the Housing Act of 1959 by striking "in housing principally serving frail elderly persons".

The last sentence of section 202(g)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(2)) is amended by striking "or a project where the tenants are not principally frail elderly".

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsection:

Disadvantaged.

"(p) With respect to amounts available for obligation on or after October 1, 1991, the criteria established under section 213(d)(5)(B) of the Housing and Community Development Act of 1974 for any competition for assistance for new construction, acquisition, or acquisition and rehabilitation of public housing shall give preference to applications for housing to be located in a local market area that has an inadequate supply of housing available for use by very low-income families. The Secretary shall establish criteria for determin-

ing that the housing supply of a local market area is inadequate, which shall require—

“(1)(A) information regarding housing market conditions showing that the supply of rental housing affordable by very low-income families is inadequate, taking into account vacancy rates in such housing and other market indicators; and

“(B) evidence that significant numbers of families in the local market area holding certificates and vouchers under section 8 are experiencing significant difficulty in leasing housing meeting program and family-size requirements; or

“(2) evidence that the proposed development would provide increased housing opportunities for minorities or address special housing needs.”.

Section 14(k)(5)(A) of the Housing Act of 1937, as amended, is hereby amended as follows: 42 USC 1437f.

(1) by striking in the first sentence thereof the word “initial”;

(2) in subsection (i) thereof by substituting the phrase “for each of the preceding three fiscal years” for the phrase “for each of fiscal years of 1989, 1990 and 1991”; and

(3) by adding a new subsection (iii) as follows:

“(iii) In determining whether an agency is ‘troubled with respect to the modernization program’, the Department shall consider only the agency’s ability to carry out that program effectively based upon the agency’s capacity to accomplish the physical work: (a) with decent quality; (b) in a timely manner; (c) under competent contract administration; and (d) with adequate budget controls. No other criteria shall be applied in the determination.”.

Section 14(k)(5)(E) of said Act is repealed.

No appropriated funds may be used to implement the rule proposed in 56 FR 45814, September 6, 1991, relating to “Low-Income Public and Indian Housing—Vacancy Rule” or any revision thereof or any other rule related or similar thereto.

Section 6(j)(1) of the Housing Act of 1937, 42 U.S.C. 1437d(j)(1) section 502(a) of the National Affordable Housing Act, is amended as follows:

(1) by adding at the end of subparagraph (H) the following language: “which shall not exceed the seven factors in the statute, plus an additional five”; and

(2) by adding as subparagraph (I) the following:

“(I) The Secretary shall:

“(1) administer the system of evaluating public housing agencies flexibly to ensure that such agencies are not penalized as result of circumstances beyond their control;

“(2) reflect in the weights assigned to the various indicators the differences in the difficulty of managing individual projects that result from their physical condition and their neighborhood environment; and

“(3) determine a public housing agency’s status as ‘troubled with respect to the program under section 14’ based upon factors solely related to its ability to carry out that program.”.

The Secretary shall cancel the indebtedness of the Sale Creek Utility District in Soddy Daisy, Tennessee, relating to public facilities loan (Project No. TN 40-PFL0071) issued May 1, 1962. The Sale Creek Utility District in Soddy Daisy is relieved of all liability to the Tennessee.

Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any other fees and charges payable in connection with such loan.

Iowa.
Homeless.

The Secretary of Housing and Urban Development shall transfer title to the repossessed property known as the Roosevelt Homes Project (No. 074-84006) located in Davenport, Iowa, to a nonprofit organization. Such property shall be used only for the provision of an integrated program of shelter and social services to the homeless, or for other nonprofit uses, for a period of not less than twenty years following the date of the transfer. Use of the transferred property before the expiration of the twenty-year period following the date of the transfer for any purpose other than those described herein shall cause title to revert back to the Secretary of Housing and Urban Development. The nonprofit organization selected by the Department shall have the right to use or not use the section 8 certificates attached to the property.

Notwithstanding any other provision of law, housing assistance payments in the amount of \$896,000 made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144), for project-based assistance under the section 8 existing housing certificate program (42 U.S.C. 1437f) for the Ganado Acres project, shall be for a term beginning on December 1, 1989.

42 USC 1436c.

Hereafter, notwithstanding any other provision of State or Federal law, regulation or other requirement, any public housing agency or Indian housing authority that purchases any line of insurance from a nonprofit insurance entity, owned and controlled by public housing agencies or Indian housing authorities, and approved by the Secretary, may purchase such insurance without regard to competitive procurement.

Regulations.
Effective date.
42 USC 1436c.

Hereafter, the Secretary shall establish standards as set forth herein, by regulation, adopted after notice and comment rulemaking pursuant to the Administrative Procedures Act, which will become effective not later than one year from the effective date of this Act.

42 USC 1436c.

Hereafter, in establishing standards for approval of such nonprofit insurance entities, the Secretary shall be assured that such entities have sufficient surplus capital to meet reasonably expected losses, reliable accounting systems, sound actuarial projections, and employees experienced in the insurance industry. The Secretary shall not place restrictions on the investment of funds of any such entity that is regulated by the insurance department of any State that describes the types of investments insurance companies licensed in such State may make. With regard to such entities that are not so regulated, the Secretary shall establish investment guidelines that are comparable to State law regulating the investments of insurance companies.

42 USC 1436c.

Hereafter, the Secretary shall not approve additional nonprofit insurance entities until such standards have become final, nor shall the Secretary revoke the approval of any nonprofit insurance entity previously approved by the Department unless for cause and after a due process hearing.

42 USC 1436c.

Hereafter, until the Department of Housing and Urban Development has adopted regulations specifying the nature and quality of insurance covering the potential personal injury liability exposure of public housing authorities and Indian housing authorities (and their contractors, including architectural and engineering services) as a result of testing and abatement of lead-based paint in federally

subsidized public and Indian housing units, said authorities shall be permitted to purchase insurance for such risk, as an allowable expense against amounts available for capital improvements (modernization): *Provided*, That such insurance is competitively selected and that coverage provided under such policies, as certified by the authority, provides reasonable coverage for the risk of liability exposure, taking into consideration the potential liability concerns inherent in the testing and abatement of lead-based paint, and the managerial and quality assurance responsibilities associated with the conduct of such activities.

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Department of Housing and Urban Development shall not exceed: (1) 71 staff years for the Immediate Office of the Secretary/Under Secretary, (2) 13 staff years for the Deputy Under Secretary for Field Coordination, (3) 19 staff years for the Office of Public Affairs, (4) 28 staff years for the Office of Legislation and Congressional Relations, (5) 1,068 staff years for the Assistant Secretary for Housing—Federal Housing Commissioner, of which 25 staff years shall be for data management reform and preservation activities only, (6) 207 staff years for the Assistant Secretary for Public and Indian Housing, (7) 275 staff years for the Assistant Secretary for Community Planning and Development, (8) 137 staff years for the Assistant Secretary for Policy Development and Research, (9) 170 staff years for the Assistant Secretary for Fair Housing and Equal Opportunity, and (10) 219 staff years for the Office of General Counsel of which not more than 13 staff years shall be for the Immediate Office of General Counsel: *Provided*, That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the Department of Housing and Urban Development to any organization included under the budget activity "Departmental Management".

Section 14(a) of the Housing Act of 1937, as amended (42 U.S.C. 1437l(a)) is amended by—

(1) striking "and" at the end of clause (1); and

(2) adding clauses (3), (4), and (5) as follows:

"(3) to assess the risks of lead-based paint poisoning through the use of professional risk assessments that include dust and soil sampling and laboratory analysis in all projects constructed before 1980 that are, or will be, occupied by families;

"(4) to take effective interim measures to reduce and contain the risks of lead-based paint poisoning recommended in such professional risk assessments; and

"(5) the costs of testing, interim containment, professional risk assessments and abatement of lead are eligible modernization expenses. The costs of professional risk assessment are eligible modernization expenses whether or not they are incurred in connection with insurance and costs for such assessments that were incurred or disbursed in fiscal year 1991 from other accounts shall be paid or reimbursed from modernization funds in fiscal year 1992."

Section 606(c) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715l note) is amended by adding at the end thereof the following new sentence: "The Secretary may apply this 25 percent requirement to all the homes under Nehemiah housing opportunity program or to a phase (approved under subsection (b)) consisting of at least 16 homes."

For purposes of the United States Housing Act of 1937, members of the Pascua Yaqui tribe who reside in Guadalupe, Arizona, shall be considered (without fiscal year limitation) as residing on an Indian reservation or other Indian area.

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; \$18,440,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it: *Provided further*, That section 509 of the general provisions carried in title V of this Act shall not apply to the funds provided under this heading: *Provided further*, That not more than \$125,000 of the private contributions to the Korean War Memorial Fund may be used for administrative support of the Korean War Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal Travel regulations.

36 USC 121b.

36 USC 122.

36 USC 122a.

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

SALARIES AND EXPENSES

For use in establishing and paying the salaries and expenses of the Commission on National and Community Service under subtitle G of title I of the National and Community Service Act of 1990 (Public Law 101-610), \$2,000,000, to remain available until September 30, 1993.

PROGRAMS AND ACTIVITIES

For use in carrying out the programs, activities and initiatives under subtitles B through F of title I of the National and Commu-

nity Service Act of 1990 (Public Law 101-610), \$73,000,000, to remain available until September 30, 1993.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official reception and representation expenses, \$40,200,000: *Provided*, That not more than \$395,000 of these funds shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 4051-4091, \$9,133,000: *Provided*, That such sum shall be available without regard to section 509 of this Act.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of three passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses; \$12,587,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$5,500 for official reception and representation expenses; \$1,040,500,000: *Provided*, That none of these funds may be expended for purposes of

Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913): *Provided further*, That of the amount appropriated, \$4,951,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes for which that fund is established: *Provided further*, That \$500,000 of the amount provided under this heading for the Immediate Office of the Administrator shall not become available until the Administrator provides to the Committees on Appropriations the Agency's Strategic Plan.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$41,200,000, of which \$14,954,000 shall be derived from the Hazardous Substance Superfund trust fund and \$623,000 shall be derived from the Leaking Underground Storage Tank Trust Fund.

RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For research and development activities, including procurement of laboratory equipment, supplies, and other operating expenses in support of research and development, \$323,000,000, to remain available until September 30, 1993: *Provided*, That not more than \$42,000,000 of these funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed \$75,000 per project: *Provided further*, That of the amount appropriated, \$2,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes for which that fund is established.

ABATEMENT, CONTROL, AND COMPLIANCE

(INCLUDING TRANSFER OF FUNDS)

For abatement, control, and compliance activities, \$1,133,625,000, to remain available until September 30, 1993: *Provided*, That up to \$2,800,000 shall be available for grants and cooperative agreements to develop and implement asbestos training and accreditation programs: *Provided further*, That of the amount appropriated, \$10,982,800 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes for which that fund is established: *Provided further*, That notwithstanding any other provision of law, from funds appropriated under this heading, the Administrator is authorized to make grants to "Federally recognized Indian tribes" on such terms and conditions as he deems appropriate for the development of multimedia environmental programs: *Provided further*, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation

and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local, and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949): *Provided further*, That of the amount provided under this heading, up to \$1,000,000 shall be available for the Chemical Safety and Hazard Investigation Board, as authorized by the Clean Air Act Amendments of 1990 and up to the sum of \$17,000,000 shall be for subsidizing loans under the Asbestos School Hazard Abatement Act, and \$2,400,000 shall be for administrative expenses to carry out the loan and grant program.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, \$39,300,000, to remain available until expended: *Provided*, That \$6,700,000 of the foregoing amount shall be made available as a grant for a center for neural science to be constructed and owned by New York University: *Provided further*, That none of the funds previously appropriated to the Environmental Protection Agency for activities pertaining to the proposed Environmental Technology and Engineering Center in Edison, New Jersey, shall be expended, except for those funds necessary to investigate alternative laboratory sites: *Provided further*, That of amounts previously appropriated under this heading, \$6,000,000 shall be available as a grant to the Christopher Columbus Center Development, Inc. for planning and design of the Christopher Columbus Center of Marine Research and Exploration in Baltimore, Maryland.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), \$1,616,228,000, consisting of \$1,366,228,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508, and \$250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101-508, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of \$200,000,000 during fiscal year 1992, with all of such funds to remain available until expended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed \$56,500,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1992: *Provided further*, That no more than \$240,000,000 of these funds shall be available for administrative expenses: *Provided further*, That notwithstanding

any other provision of law, the Administrator of the Environmental Protection Agency shall, from funds appropriated under this heading, obligate up to \$213,000 for a new pumping station in St. Anthony, Minnesota: *Provided further*, That, notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall, from funds previously appropriated under this heading in Public Law 101-507, obligate up to \$5,000,000 for Koppers Texarkana Superfund site relocation.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, \$75,000,000, to remain available until expended: *Provided*, That no more than \$6,400,000 shall be available for administrative expenses.

CONSTRUCTION GRANTS

For necessary expenses to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, \$2,400,000,000, to remain available until expended, of which \$1,948,500,000 shall be for title VI of the Federal Water Pollution Control Act, as amended; \$16,500,000 shall be for making grants authorized under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; \$49,000,000 shall be for section 510 of the Water Quality Act of 1987; \$340,000,000 shall be for making grants under title II of the Federal Water Pollution Control Act, as amended, to the appropriate instrumentality for the purpose of constructing secondary sewage treatment facilities to serve the following localities, and in the amounts indicated: Back River Wastewater Treatment Plant, Maryland, \$40,000,000; Boston, Massachusetts, \$100,000,000; New York, New York, \$70,000,000; Los Angeles, California, \$55,000,000; San Diego, California, \$40,000,000; and Seattle, Washington, \$35,000,000; and notwithstanding any other provision of law, \$46,000,000 shall be available for Rouge River National Wet Weather Demonstration Project grants to be awarded by the Administrator, who is authorized to make such grants to Wayne County, Michigan, such grants to be for the construction of sanitary sewers and retention basins, for the repair and maintenance of wastewater treatment plants and collection systems, and for the investigation of commercial and industrial facilities and storm sewer connections to implement the Rouge River National Demonstration Project for Wet Weather Flows: *Provided further*, That the United States Environmental Protection Agency shall not prohibit the Massachusetts Water Resources Authority (MWRA) from utilizing the most appropriate technology for the treatment, disposal, and or beneficial reuse of sludge, unsold fertilizer pellets, and grit and screenings outside the Commonwealth of Massachusetts through lease, contract, or by other legal means. The EPA may require sufficient backup capacity for the disposal or treatment of sludge in the Commonwealth through ownership, lease, contract, or by other legal means. The MWRA shall not be required to construct a backup landfill or facility if other alternatives approved through EPA NEPA review of MWRA long-term residuals management, are or become available through ownership, lease, contract, or other

legal means prior to September 1, 1992, and as long as such alternatives remain available.

Any facility or technology used by the MWRA shall meet all applicable Federal and State environmental requirements. Any facility or technology must be on-line when a contract between the MWRA and NEFCO, which is responsible for the marketing and disposal of sludge, expires in 1995.

ADMINISTRATIVE PROVISIONS

Labor.

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the Environmental Protection Agency shall not exceed: (1) 51 workyears for the Immediate Office of the Administrator, (2) 45 workyears for the Office of Congressional and Legislative Affairs, (3) 77 workyears for the Office of Communications and Public Affairs, (4) 187 workyears for the Office of General Counsel, (5) 61 workyears for the Office of International Activities, (6) 32 workyears for the Office of Federal Activities, (7) 259 workyears for the Office of Policy, Planning, and Evaluation, and (8) 1,386 workyears for the Office of Administration and Resources Management.

The Administrator shall establish, within sixty days of enactment of this Act, a new staff of 5 workyears within the Immediate Office of the Administrator, which shall be responsible for guiding, directing, and mediating all policy activities associated with Pollution Prevention. The Pollution Prevention Policy Council shall be chaired by the Deputy Administrator.

LEAD ABATEMENT TRAINING AND CERTIFICATION

Regulations.

Not later than twelve months after the date of enactment of this Act, the Administrator of EPA shall, in consultation with the Secretary of Labor, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) promulgate final regulations governing lead-based paint abatement activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; that contractors engaged in such activities are certified; and that laboratories engaged in testing for substances that may contain lead-based paint are certified.

42 USC 4822
note.

TRAINING GRANTS

Grants for training and education of workers who are or may directly be engaged in lead-based paint abatement activities shall be administered by the Environmental Protection Agency. Such grants shall be awarded to nonprofit organizations engaged in lead-based paint abatement activities with demonstrated experience in implementing and operating worker health and safety lead-based paint abatement training and education programs and with a demonstrated ability to reach and involve in lead-based paint training programs target populations of workers who are or will be directly engaged in lead-based paint abatement activities. Grants shall be awarded only to those organizations which fund at least 30 percent of their lead-based paint abatement training programs from non-Federal sources, excluding in-kind contributions.

42 USC 4822
note.

42 USC 4822
note.

For purposes of the immediately preceding two paragraphs, lead-based paint abatement activities means activities engaged in by workers, supervisors, contractors, inspectors, and planners who are engaged in the removal, disposal, handling, inspection, and transportation of lead-based paint and materials containing lead-based paint from public and private dwellings, public and commercial buildings, bridges, and other structures or superstructures where lead-based paint presents or may present an unreasonable risk to health or the environment.

The Administrator shall maintain a facility within the Environmental Protection Agency to conduct biological testing of pesticides.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed \$875 for official reception and representation expenses, and hire of passenger motor vehicles, \$2,560,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, including services as authorized by 5 U.S.C. 3109; \$1,491,000, of which not to exceed \$1,000 may be for official reception and representation expenses: *Provided*, That the National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$6,010,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

POINTS OF LIGHT FOUNDATION

For necessary expenses for carrying out title III of the National and Community Service Act of 1990 (Public Law 101-610), relating to The Points of Light Foundation's promotion of social problem solving through voluntary community service, \$5,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$185,000,000, of which not to exceed \$541,000 may be transferred to the disaster assistance direct loan program account for subsidies for direct loans provided under section 319 of such Act, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Funds provided to this account are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$6,000,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$2,500 for official reception and representation expenses; \$163,113,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$5,144,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, \$285,827,000, notwithstanding section 201 of Public Law 100-707, including \$1,155,000 to install new sirens in Kansas with a 25 percent local match in towns under 5,000 and a 50 percent local match in towns over 5,000.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated \$134,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended: *Provided*, That total administrative costs shall not exceed 3 and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, \$12,874,000 shall, upon enactment of this Act, be transferred to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and \$45,023,000 shall, upon enactment of this Act, be transferred to the "Emergency management planning and assistance" appropriation for flood plain management activities, including \$4,720,000 for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4103, 4127), which amount shall be available until September 30, 1993. In fiscal year 1992, no funds in excess of (1) \$32,000,000 for operating expenses, (2) \$208,276,000 for agents' commissions and taxes, and (3) \$3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

NATIONAL INSURANCE DEVELOPMENT FUND

Notwithstanding section 520(b) of the National Housing Act (12 U.S.C. 1735d(b)), effective October 1, 1991, any indebtedness of the Director of the Federal Emergency Management Agency resulting from the Director or the Secretary of Housing and Urban Development borrowing sums under such section before the date of the enactment of this Act to carry out title XII of the National Housing Act shall be canceled, the Director shall not be obligated to repay such sums or any interest thereon, and no further interest shall accrue on such sums.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, \$1,944,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of \$5,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1992 shall not exceed \$2,285,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1992 in excess of \$5,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, \$2,103,000: *Provided*, That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1992, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to \$1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts.

INTERAGENCY COUNCIL ON THE HOMELESS

SALARIES AND EXPENSES

For necessary expenses of the Interagency Council on the Homeless, not otherwise provided for, as authorized by title II of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311-11319), as amended, \$1,083,000, to remain available until September 30, 1993: *Provided*, That the Council shall carry out its duties in the 10 standard Federal regions under section 203(a)(4) of such Act only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act.

42 USC 11313
note.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; \$6,413,800,000, to remain available until September 30, 1993.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for, in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; \$5,157,075,000, to remain available until September 30, 1993, of which \$32,674,796 shall be used only for the purpose of payment, to the Federal Financing Bank, for the Tracking and Data Relay Satellite System (TDRSS) loan: *Provided*, That such payment shall constitute settlement of all amounts owed on said loan.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$525,000,000, to remain available until September 30, 1994: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further*, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities: *Provided further*, That of the funds appropriated under this heading, \$6,000,000 shall be available to continue the construction, equipping, and integration of a Classroom of the Future on the campus of Wheeling Jesuit College; \$3,400,000 shall be available for planning and design for facilities in support of the Consortium for International Earth Science Information Networks (CIESIN); \$10,000,000 shall be available to West Virginia University for an independent software validation and verification facility; \$10,000,000 for construction and equipping a new space dynamics lab at Utah State University; \$13,500,000 shall be available for construction of integrated facilities to support the National Technology Transfer Center; and \$20,000,000 shall be available for construction and outfitting of the Christopher Columbus Center of Marine Research and Exploration.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards, lease, hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$200,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of

facilities; \$2,242,300,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$14,600,000.

ADMINISTRATIVE PROVISIONS

No amount appropriated to the National Aeronautics and Space Administration in this or any other Act with respect to any fiscal year may be used to fund grants, contracts or other agreements with an expected duration of more than one year, when a primary effect of the grant, contract, or agreement is to provide a guaranteed customer base for or establish an anchor tenancy in new commercial space hardware or services unless an appropriations Act specifies the new commercial space hardware or services to be developed or used, or the grant, contract, or agreement is otherwise identified in such Act.

42 USC 2459d.

Income derived from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund may be used to award fellowships to selected United States nationals who are undergraduate students pursuing a course of study leading to certified teaching degrees in elementary education or in secondary education in mathematics, science or technology disciplines.

During fiscal year 1992, notwithstanding any other provision of law, average employment in the headquarter's offices of the National Aeronautics and Space Administration shall not exceed: (1) 51 staff years for the Office of the Administrator; (2) 117 staff years for the Office of the Comptroller; (3) 56 staff years for the Office of Commercial Programs; (4) 191 staff years for the Office of Headquarters Operations; (5) 30 staff years for the Office of Equal Opportunity Programs; (6) 43 staff years for the Office of the General Counsel; (7) 132 staff years for the Office of Procurement; (8) 4 staff years for the Office of Small and Disadvantaged Business Utilization; (9) 33 staff years for the Office of Legislative Affairs; (10) 520 staff years for the Office of Space Flight, including Level I and Level II Activities for the Space Station; (11) 210 staff years for the Office of Management; (12) 62 staff years for the Office of Space Operations; (13) 64 staff years for the Office of Public Affairs; (14) 183 staff years for the Office of Safety and Mission Quality; (15) 172 staff years for the Office of Aeronautics, Exploration and Technology; (16) 288 staff years for the Office of Space Science and Applications; and (17) 77 staff years for the Office of External Relations: *Provided*, That the Administrator may reorganize these offices and reallocate the staff years among these offices as long as the aggregate number of staff years at NASA Headquarters does not exceed 2,220 staff years: *Provided further*, That no funds may be used from amounts provided in this or any other Act for details of employees from any organization in the National Aeronautics and Space Administration

Labor.

to any organization included under the budget activity "Research and Program Management", except those details which involve developmental or critical staffing assignments: *Provided further*, That, of the amount provided for "Research and Program Management", up to \$675,722,000 may be transferred to "Research and Development" and "Space Flight, Control and Data Communications", and of this amount such sums as may be necessary are provided for the lease, hire, maintenance and operation of mission management aircraft: *Provided further*, That the funds made available in the preceding proviso may only be used for the purpose of operations of facilities: *Provided further*, That, notwithstanding any provision of this or any other Act, not to exceed an additional \$100,000,000 may be transferred or otherwise made available, using existing or future authority, to the National Aeronautics and Space Administration in fiscal year 1992 from any funds appropriated to the Department of Defense and such funds may only be provided to the "Space flight, control and data communications" appropriation: *Provided further*, That the limitation in the immediately preceding proviso shall not apply to funds transferred or otherwise made available under existing reimbursement arrangements.

NATIONAL COMMISSION ON FINANCIAL INSTITUTION REFORM,
RECOVERY, AND ENFORCEMENT

SALARIES AND EXPENSES

To carry out the provisions of subtitle F, title XXV, of the Crime Control Act of 1990, \$1,000,000, to remain available until expended.

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKA NATIVE, AND
NATIVE HAWAIIAN HOUSING

SALARIES AND EXPENSES

For necessary expenses of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, in carrying out their functions under title VI of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, 103 Stat. 1987, 2052), \$500,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1992, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed \$600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1992 shall not exceed \$964,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42

U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; \$1,879,000,000, to remain available until September 30, 1993: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For necessary expenses in carrying out an academic research facilities and instrumentation program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, \$33,000,000, to remain available until September 30, 1993.

UNITED STATES ANTARCTIC RESEARCH ACTIVITIES

For necessary expenses in carrying out the research and operational support for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; improvement of environmental practices and enhancements of safety; services as authorized by 5 U.S.C. 3109; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; \$78,000,000, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further*, That no funds in this account shall be used for the purchase of aircraft other than ones transferred from other Federal agencies.

UNITED STATES ANTARCTIC LOGISTICAL SUPPORT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in reimbursing Federal agencies for logistical and other related activities for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance, and operation of aircraft and purchase of flight services for research and operations support; improvement of environmental practices and enhancements of safety; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed \$10,000,000, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further*, That up to \$9,000,000 may be transferred to and merged with funds made available under "United States Antarctic Research Activities": *Provided further*,

That notwithstanding section 104 of the National Science Foundation Authorization Act of 1988 (Public Law 100-570), no funds appropriated to the National Science Foundation under this Act may be transferred among appropriations accounts.

EDUCATION AND HUMAN RESOURCES ACTIVITIES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, \$465,000,000, to remain available until September 30, 1993: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$6,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; \$109,000,000: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1992 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That section 14(a)(3) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1873(a)(3)), is amended by striking the words "and when less than".

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$3,500,000.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$31,900,000: *Provided*, That of the new budget authority provided herein, \$5,000,000 shall be for the purpose of providing local neighborhood revitalization organizations revolving homeownership lending capital, and equity capital for affordable lower-income rental and mutual housing association projects, to remain available until September 30, 1994: *Provided further*, That the \$5,000,000 shall be available for obligation to Neighborhood Reinvestment Corpora-

tion in quarterly payments of \$625,000 beginning with September 1 of fiscal year 1992.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$27,480,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States: *Provided further*, That notwithstanding the provisions of 50 U.S.C. App. 460(g), none of the funds appropriated by this Act may be obligated in connection with the preparation of more than one report each year to the Congress covering the operation of the Selective Service System.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1992 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL DEPOSIT INSURANCE CORPORATION

FSLIC RESOLUTION FUND

For payment of expenditures, in fiscal year 1992, of the FSLIC Resolution Fund, for which other funds available to the FSLIC Resolution Fund as authorized by Public Law 101-73 are insufficient, \$15,867,000,000.

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$30,328,000.

The Office of Inspector General of the Resolution Trust Corporation shall review by September 30, 1993, each of the agreements described in section 21(A)(b)(11)(B) of the Federal Home Loan Bank Act and determine whether there is any legal basis sufficient for a rescission of the agreement, including but not limited to, fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for rescission of the agreement. After such review has been completed, and based upon the information available to the Inspector General, the Inspector General shall certify its findings to the Resolution Trust Corporation and to the Congress: *Provided*, That any agreement which has been renegotiated and certified pursuant to section 518(b) of this Act may be excluded from further review under this provision based upon a review by the Inspector General of the appropriate evidence, and a determination that the Government has achieved significant and substantial savings as a result of the renegotiation: *Provided further*, That the Inspector General report the basis for the exclusion in writing to Congress prior to any exclusion of further review under this provision.

Reports.

TITLE V—GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; to site-related travel under the Solid Waste Disposal Act, as amended; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the

current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 509. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to any part of the appropriations contained in this Act for Offices of Inspector General personnel compensation and benefits.

SEC. 510. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

Contracts.
Public
information.

SEC. 511. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

Contracts.

SEC. 512. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 513. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 514. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 515. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 516. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than \$300,000, unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

Reports.

SEC. 517. (a) The Resolution Trust Corporation ("Corporation") shall report to the Congress at least once a month on the status of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act and the actions taken with respect to the agreements described in such section. The report shall describe, for each such agreement, the review that has been conducted and the action that has been taken, if any, to rescind or to restructure, modify, or

renegotiate the agreement. In describing the action taken, the Corporation is not required to provide detailed information regarding an ongoing investigation or negotiation. The Corporation shall exercise any and all legal rights to restructure, modify, renegotiate or rescind such agreement, notwithstanding any other provision of law, where the savings would be realized.

(b) To expend any appropriated funds for the purpose of restructuring, modifying, or renegotiating the agreements described in subsection (a), the Corporation shall certify to the Congress, for each such agreement, the following:

(1) the Corporation has completed its review of the agreement, as required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act;

(2)(A) at the time of certification, in the opinion of the Corporation and based upon the information available to it, there is insufficient evidence or other indication of fraud, misrepresentation, failure to disclose a material fact, failure to perform under the terms of the agreement, improprieties in the bidding process, failure to comply with any law, rule or regulation regarding the validity of the agreement, or any other legal basis sufficient for the rescission of the agreement; or

(B) at the time of certification, the Corporation finds that there may be sufficient evidence to provide a legal basis for the rescission of the assistance agreement, but the Corporation determines that it may be in the best interest of the Government to restructure, modify or renegotiate the assistance agreement; and

(3) the Corporation has or will promptly exercise any and all legal rights to modify, renegotiate, or restructure the agreement where savings would be realized by such actions.

SEC. 518. (a) Section 622A(c) of title 38, United States Code, is amended by striking "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

38 USC 1722A.

(b) Section 8013(e) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

38 USC 1710 note.

(c) The amount provided in this Act for "Medical care" for the Department of Veterans Affairs is hereby increased by \$90,000,000, to be available only for procurement of medical equipment.

(d) Subsections (a), (b), and (c) shall not take effect if the amount provided in this Act for "Medical care" for the Department of Veterans Affairs is less than \$13,462,000,000, plus reimbursements.

SEC. 519. Notwithstanding any other provision of law—

(a) prices for drugs and biologicals paid by the Department of Veterans Affairs, and prices for drugs and biologicals on contracts administered by the Department of Veterans Affairs, shall not be used to calculate Medicaid rebates paid by drug and biological manufacturers;

Drugs and drug abuse.
Science and technology.
Contracts.
Business and industry.

(b) the Secretary of Veterans Affairs shall attempt to negotiate new contracts, or renegotiate current contracts, for drugs and biologicals, including those contracts for drugs and biologicals utilized or administered by the Department of Veterans Affairs which are listed in Federal Supply Classification (FSC) Group 65 of the Federal Supply Schedule, with the view toward achieving a price comparable to, or lower than, the price charged the Department of Veterans Affairs by the manufac-

- Reports. turer on September 1, 1990, increased by the fiscal year 1991 medical consumer price index, as determined by the Secretary;
- (c) the Secretary shall provide a report by June 30, 1992, to the House and Senate Veterans' Affairs Committees, the House and Senate Appropriations Committees, the House Energy and Commerce Committee, and the Senate Finance Committee, on the percentage of price increase to the Department from September 1, 1990, to a date 60 days prior to the date of the report, for each drug and biological listed in FSC Group 65; and
- Effective date. (d) the provisions of this section shall be effective until (1) enactment into law of legislation concerning the price of drugs and biologicals paid by the Department of Veterans Affairs, or (2) June 30, 1992, whichever first occurs.

SEC. 520. Notwithstanding any provision of this Act, none of the funds appropriated or otherwise made available by this Act or by any other Act may be used to move Federal Housing and Urban Development offices from downtown Jacksonville, Florida (as defined by the Downtown Development Authority of Jacksonville) or to finance the operation of such Federal Housing and Urban Development offices in any area of Florida other than the downtown area of Jacksonville, Florida (as defined by the Downtown Development Authority of Jacksonville).

SEC. 521. GENERAL ACCOUNTING OFFICE STUDY OF THE FEDERAL HOUSING ADMINISTRATION'S MUTUAL MORTGAGE INSURANCE FUND.—The General Accounting Office shall prepare and submit to Congress no later than April 1, 1992, a study of the actuarial soundness of the Federal Housing Administration's single family mortgage insurance program and the solvency of the Mutual Mortgage Insurance Fund. The study, using existing studies (including the study entitled "An Actuarial Review of the Federal Housing Administration's Mutual Mortgage Insurance Fund") and employing the latest reliable data available, shall analyze the actuarial soundness of the Mutual Mortgage Insurance Fund and the ability of the Mutual Mortgage Insurance Fund to meet the capital ratio targets established in the Omnibus Budget Reconciliation Act of 1990 under various economic and policy scenarios. Factors considered in the analysis shall include, but shall not be limited to, the following:

(1) The actuarial performance of all cohorts of loans insured by the Mutual Mortgage Insurance Fund, including all available post-1985 books of business. Specifically, the overall default rates and claims (loss) experience of these loans should be considered.

(2) The effect of the Mortgagor Equity rule issued by the Department of Housing and Urban Development, which limits the amount of closing costs that can be financed with a Federal Housing Administration mortgage to 57 percent of the total amount of allowable closing costs, on the actuarial status of the Mutual Mortgage Insurance Fund, default rates of Federal Housing Administration borrowers, the relative impact on purchasers of homes at various price levels, and the ability of potential Federal Housing Administration borrowers to purchase homes.

(3) The effect of underwriting changes made by the Federal Housing Administration since 1986.

(4) The effect of the increase in the insurable maximum mortgage amount that was made permanent in the National

Affordable Housing Act and the effect of further increasing the maximum mortgage amount.

(5) The impact of a policy to allow “streamlined refinancings” whereby the borrower would not be required to pay an annual premium.

(6) The Federal Housing Administration’s accounting method for deferring and amortizing the Mutual Mortgage Insurance Fund single-family one-time premium revenue.

(7) The valuation of delinquent loans for loan loss reserve accounting purposes.

(8) The impact of various assumptions regarding the rate of real home price appreciation and mortgage interest rates.

(9) The effect of various economic conditions, including favorable, moderate, and adverse conditions, on the ability of the Mutual Mortgage Insurance Fund to build adequate capital levels.

SEC. 522. ESTABLISHMENT OF REGIONAL OFFICE.—The President may establish within the Environmental Protection Agency an eleventh region, which will be comprised solely of the State of Alaska, and a regional office located therein.

SEC. 523. EXTENSION OF PERIOD APPLICABLE TO SINGLE FAMILY HOUSING.—(a) **IN GENERAL.**—Section 21A(c)(2)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(c)(2)(B)) is amended by striking “3-month” each place it appears and inserting “3-month and one week”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to eligible single family properties acquired by the Resolution Trust Corporation on or after the date of enactment of this Act.

12 USC 1441a
note.

This Act may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992”.

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2519:

HOUSE REPORTS: Nos. 102-94 (Comm. on Appropriations) and 102-226 (Comm. of Conference).

SENATE REPORTS: No. 102-107 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 6, considered and passed House.

July 17, 18, considered and passed Senate, amended.

Oct. 2, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments. Senate agreed to conference report; concurred in certain House amendments, in another with an amendment.

Oct. 3, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Oct. 28, Presidential statement.

Public Law 102-140
102d Congress

An Act

Oct. 28, 1991
[H.R. 2608]

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

Departments of
Commerce,
Justice, and
State, the
Judiciary, and
Related
Agencies
Appropriations
Act, 1992.
Department of
Justice and
Related
Agencies
Appropriations
Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED
AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, \$90,004,000, of which \$500,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate a Missing Alzheimer Patient Alert program, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, including salaries and expenses in connection therewith, \$499,500,000, to remain available until expended, of which: (a) \$475,000,000 shall be available to carry out subpart 1 and chapter A of subpart 2 of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, as authorized by section 2801 of Public Law 101-647 (104 Stat. 4912); (b) \$13,000,000 of the funds made available in fiscal year 1992 under chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act for Correctional Options Grants; (c) \$1,000,000 shall be available to carry out part N of title I of said Act, for Grants for Televised Testimony of Child Abuse Victims, as authorized by section 241(c) of Public Law 101-647 (104 Stat. 4814); and (d)

\$22,000,000 shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101-647 (104 Stat. 4824): *Provided*, That \$25,000 of the funds made available to the State of Arkansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be provided to the Arkansas State Police for high priority drug investigations: *Provided further*, That funds made available in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further*, That funds made available in fiscal year 1992 under parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available for the following grants in the amounts specified: (1) \$1,000,000 to the National Judicial College to provide judicial education and training to State trial judges in the area of illegal drug and violent criminal offenses; and (2) \$500,000 to the National College of District Attorneys to establish a permanent facility to improve the education and training of prosecutors involved in the war on drugs: *Provided further*, That \$150,000 of the funds made available to the State of Kansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the City of Wichita, Kansas for Project Freedom's Drug Affected Babies Prevention Initiative.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, \$76,000,000, to remain available until expended, as authorized by section 261(a), part D of title II, of said Act (42 U.S.C. 5671(a)), of which \$3,500,000 is for expenses authorized by section 281 of part D of title II of said Act.

In addition, and notwithstanding section 214(b) of title II of Public Law 101-647 (104 Stat. 4794), \$1,500,000, to remain available until expended, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse for technical assistance and training instrumental to the criminal prosecution of child abuse cases, as authorized in section 213 of Public Law 101-647 (104 Stat. 4793).

In addition, and notwithstanding section 224(b) of title II of Public Law 101-647 (104 Stat. 4798), \$500,000, to remain available until expended, for a grant to the National Council of Juvenile and Family Court Judges to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized in section 223(a) of Public Law 101-647 (104 Stat. 4797).

In addition, \$4,963,000 for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1991, through September 30, 1992, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1992, a listing of names of such Mariel Cubans incarcerated in their respec-

Federal
Register,
publication.
Inter-
governmental
relations.
Cuba.

Cuba.
Inter-
governmental
relations.
Grants.

tive facilities: *Provided further*, That the Attorney General, not later than April 1, 1992, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed \$12,000.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340) and section 1301(b) of Public Law 101-647 (104 Stat. 4834).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$110,100,000.

DRUG LAW ENFORCEMENT TRAINING

For necessary expenses of drug law enforcement training, \$3,500,000, to remain available until expended, for planning, construction, and purchase of equipment incident thereto for an expanded training center at the FBI Training Academy at Quantico, Virginia, to be expended at the direction of the Attorney General.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

28 USC 527 note.

Of the total income of the Working Capital Fund in fiscal year 1992 and each fiscal year thereafter, not to exceed 4 percent of the total income may be retained, to remain available until expended, for the acquisition of capital equipment and for the improvement and implementation of the Department's financial management and payroll/personnel systems: *Provided*, That in fiscal year 1992, not to exceed \$4,000,000 of the total income retained shall be used for improvements to the Department's data processing operation: *Provided further*, That any proposed use of the retained income in fiscal year 1992 and thereafter, except for the \$4,000,000 specified above, shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

28 USC 527 note.

In addition, for fiscal year 1992 and thereafter, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available to the Department of Justice during such fiscal year may be transferred into the capital account of the Working Capital Fund to be available for the departmentwide acquisition of capital equipment, development and implementation of law enforcement or litigation related automated data processing systems, and for the improvement and implementation of the Department's financial management and payroll/personnel sys-

tems: *Provided*, That any proposed use of these transferred funds in fiscal year 1992 and thereafter shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$28,820,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, \$9,855,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; \$384,249,000, of which not to exceed \$5,973,000 shall be available for the operation of the United States National Central Bureau, INTERPOL; and of which not to exceed \$6,000,000 for litigation support contracts shall remain available until September 30, 1993: *Provided*, That of the funds available in this appropriation, not to exceed \$35,213,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,000,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

In addition, section 245A(c)(7) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1255a(c)(7)), as amended, is further amended by inserting after subsection (B) a new subsection as follows:

"(C) IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES.—

Not to exceed \$3,000,000 of the unobligated balances remaining in the account established in subsection (B) shall be available in fiscal year 1992 and each fiscal year thereafter for grants, contracts, and cooperative agreements to community-based

organizations for outreach programs, to be administered by the Office of Special Counsel for Immigration-Related Unfair Employment Practices: *Provided*, That such amounts shall be in addition to any funds appropriated to the Office of Special Counsel for such purposes: *Provided further*, That none of the funds made available by this section shall be used by the Office of Special Counsel to establish regional offices.”.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$58,494,000 of which an estimated \$13,500,000 shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of \$44,994,000: *Provided*, That fees made available to the Antitrust Division shall remain available until expended, but that any fees received in excess of \$13,500,000 in fiscal year 1992 shall not be available for obligation until fiscal year 1993.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys; including operating leases for facilities required to house students, administrative and training staff, provide classroom space, library space, and other auxiliary space to accommodate the relocation of the Legal Education program to a site on the campus of the University of South Carolina where legal education training shall be provided to Federal, State, and local prosecutive and litigative personnel; \$720,737,000, of which not to exceed \$5,000,000 shall be available until September 30, 1993, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs; of which not to exceed \$1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system; of which not to exceed \$10,000,000 shall remain available until expended for the costs associated with the relocation of the Legal Education program: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That of amounts available in this account in fiscal year 1992, not to exceed \$9,000,000 shall remain available until expended and may be used to fund intergovernmental agreements, including cooperative agreements and contracts, with State and local law enforcement agencies engaged in pilot projects pertaining to the investigation and prosecution of violent crime and drug offenses.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, \$57,221,000, to remain available until expended and to be derived from the Fund, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bank-

ruptcy Act of 1986 (Public Law 99-554): *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$843,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including acquisition, lease, maintenance, and operation of vehicles and aircraft; \$313,847,000, including purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; of which not to exceed \$11,723,000 for the renovation and construction of Marshals Service prisoner holding facilities shall be available until expended, and of which not to exceed \$6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$219,125,000, to remain available until expended; of which not to exceed \$15,000,000 shall be available under the Cooperative Agreement Program: *Provided*, That, unless a notification as required under section 606 of this Act is submitted to the Committees on Appropriations of the House and Senate, none of the funds in this Act for the Cooperative Agreement Program shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds \$50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds \$25,000 must remain in effect for no less than 15 years.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$92,797,000, to remain available until expended; of which not to exceed \$4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; and of which not to exceed \$1,008,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$27,343,000, of which not to exceed \$18,198,000 shall remain available until expended to make payments in advance for grants, contracts and

reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further*, That to expedite the outplacement of eligible Mariel Cubans from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further*, That if such reimbursements described above exceed \$500,000, they shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, \$100,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$363,374,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in section 606 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,364 passenger motor vehicles of which 2,299 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under

the direction of the Attorney General, and to be accounted for solely on his certificate; \$1,926,092,000, of which not to exceed \$25,000,000 for automated data processing and telecommunications and \$1,000,000 for undercover operations shall remain available until September 30, 1993; of which not to exceed \$8,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed \$500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations; and of which \$48,000,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which \$1,500,000 shall be available to establish an independent program office dedicated solely to the relocation of the Identification Division and the automation of fingerprint identification services: *Provided*, That not to exceed \$45,000 shall be available for official reception and representation expenses.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,054 passenger motor vehicles of which 730 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; \$716,653,000 of which not to exceed \$1,800,000 for research, and of which not to exceed \$1,500,000 for an A & E study for a Washington, D.C. area laboratory shall remain available until expended; and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed \$2,000,000 for technical and laboratory equipment, shall remain available until September 30, 1993; and, of which not to exceed \$6,000,000 shall remain available until expended for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for a new aviation facility: *Provided*, That not to exceed \$45,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character,

to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed 415, for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; \$938,241,000, of which not to exceed \$400,000 for research and \$17,097,000 for construction shall remain available until expended; and of which \$312,473,000 shall be available to the Border Patrol program, unless a notification, as required under section 606 of this Act, is submitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$5,000 shall be available for official reception and representation expenses.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 374 of which 122 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; \$1,598,920,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$40,000,000 for the activation of new facilities shall remain available until September 30, 1993.

42 USC 250a.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$10,221,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary

expenses incident thereto, by contract or force account, \$452,090,000, to remain available until expended, of which \$3,497,000 shall be available for construction and renovation costs at the Immigration and Naturalization Service Processing Center at El Centro, California: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act: *Provided further*, That not to exceed \$14,000,000 shall be available to construct areas for inmate work programs.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,297,000 of the funds of the corporation shall be available for its administrative expenses for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amount shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. A total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available only for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) During fiscal year 1992 with respect to any undercover investigative operation of the Federal Bureau of Investigation or the

Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading of "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration for fiscal year 1992, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in

effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

Reports.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1992—

Reports.
28 USC 533 note.

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

28 USC 533 note.

(A) the term "closed" refers to the earliest point in time at which—

(i) all criminal proceedings (other than appeals) are concluded, or

(ii) covert activities are concluded, whichever occurs later.

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operations" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed \$50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed \$150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

Abortion.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Abortion.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Pursuant to the provisions of law set forth in 18 U.S.C. 3071-3077, not to exceed \$100,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 107. Deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Support of United States Prisoners' Cooperative Agreement Program.

42 USC 3754.

Sec. 108. Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to delete the first word and insert the following: "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces, no".

Sec. 109. Section 504(a)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by striking "50 per centum;" and inserting in lieu thereof "75 per

SEC. 110. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1992 or any prior fiscal year, or any other funds available from the Treasury of the United States, shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in 28 U.S.C. 1821(a)(2).

SEC. 111. Effective 60 days after enactment of this Act—

Effective date.

(a) Section 1930(a) of title 28, United States Code, as amended, is further amended—

(1) in subsection (3) by striking “\$500” and inserting in lieu thereof “\$600”; and

(2) in the second sentence of subsection (6), by striking “\$150” and inserting in lieu thereof “\$250”, by striking “\$300” and inserting in lieu thereof “\$500”, by striking “\$750” and inserting in lieu thereof “\$1,250”, by striking “\$2,250” and inserting in lieu thereof “\$3,750”, and by striking “\$3,000” and inserting in lieu thereof “\$5,000”.

(b) Section 589a(b) of title 28, United States Code, as amended, is further amended—

(1) in subsection (2) by striking “three-fifths” and inserting in lieu thereof “50 per centum”; and

(2) in subsection (5) by striking “all” and inserting in lieu thereof “60 per centum”.

(c) Section 589a of title 28, United States Code, as amended, is further amended by adding a new subsection as follows—

“(f) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation ‘United States Trustee System Fund’, to remain available until expended, the following—

“(1) 16.7 per centum of the fees collected under section 1930(a)(3) of this title;

“(2) 40 per centum of the fees collected under section 1930(a)(6) of this title.”

SEC. 112. Section 524 of title 28, United States Code as amended, is further amended—

(1) in subsection (c)(1), by deleting “purposes of the Department of Justice” and inserting in lieu thereof the following: “law enforcement purposes”;

(2) by deleting subsection (c)(1)(C), and inserting in lieu thereof the following:

“(C) at the discretion of the Attorney General, the payment of awards for information or assistance leading to a civil or criminal forfeiture involving any Federal agency participating in the Fund;”;

(3) in subsection (c)(1)(F), by deleting the word “drug” preceding the words “law enforcement functions”;

(4) in subsection (c)(1)(F), by deleting “the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, or the United States Marshals Service”, and inserting in lieu thereof the following: “any federal agency participating in the Fund”;

(5) by deleting subsection (c)(4) and inserting in lieu thereof the following:

“(4) There shall be deposited in the Fund—

“(A) all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Sec-

retary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)), or the Postmaster General of the United States pursuant to 39 U.S.C. 2003(b)(7);

“(B) all amounts representing the Federal equitable share from the forfeiture of property under any State, local or foreign law, for any Federal agency participating in the Fund.”;

(6) by inserting in subsection (c)(5), immediately following “Amounts in the Fund”, the following: “, and in any holding accounts associated with the Fund”;

(7) by adding at the end of subsection (c)(9)(C) the following sentence: “Further, transfers under subsection (B) may be made only to the extent that the sum of the transfers for the current fiscal year and the unobligated balance at the beginning of the current fiscal year for the Special Forfeiture Fund do not exceed \$150,000,000.”; and

(8) In subsection (c)(9)(E)—

(A) by deleting “, 1992”, and inserting in lieu thereof “of each fiscal year thereafter”;

(B) by deleting “to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution and correctional activities of the Department of Justice.”, and inserting in lieu thereof the following: “to be transferred to any Federal agency to procure vehicles, equipment, and other capital investment items for law enforcement, prosecution and correctional activities, and related training requirements.”.

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$7,159,000, of which \$2,000,000 is for regional offices and \$700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98-183: *Provided*, That not to exceed \$20,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), and the Americans with Disabilities Act of 1990, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31

U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed \$25,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, and the Americans with Disabilities Act of 1990, \$210,271,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For total obligations of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed \$450,000 for land and structures; not to exceed \$300,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed fourteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; \$126,309,000 of which not to exceed \$300,000 of the foregoing amount shall remain available until September 30, 1993, for research and policy studies: *Provided*, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a re-examination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further*, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): *Provided further*, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. app. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized

by 5 U.S.C. 5901-02; \$17,600,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses; \$82,700,000 of which an estimated \$13,500,000 shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of \$69,200,000: *Provided*, That fees made available to the Federal Trade Commission shall remain available until expended, but that any fees received in excess of \$13,500,000 shall not be available until fiscal year 1993: *Provided further*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$157,485,000 of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided*, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one-thirty-second of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation to recover costs of services of the securities registration process: *Provided further*, That such fees shall remain available until expended.

15 USC 77f note.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1988 (Public Law 100-690 (102 Stat. 4466-4467)), \$13,550,000, to remain available until expended: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1992".

TITLE II—DEPARTMENT OF COMMERCE

Department of
Commerce
Appropriations
Act, 1992.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$183,000,000, to remain available until expended, of which not to exceed \$6,541,000 may be transferred to the "Working Capital Fund"; and of which not to exceed \$11,386,000 shall be available for construction of research facilities.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Regional Centers for the Transfer of Manufacturing Technology and the Advanced Technology and, notwithstanding any other provision of law, State Extension Services Programs of the National Institute of Standards and Technology, \$63,713,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, leasing, or conversion of vessels, including related equipment, for the National Oceanic and Atmospheric Administration, \$33,200,000, to remain available until expended.

CONSTRUCTION

For construction, repair, and modification of facilities and minor construction of new facilities and additions to existing facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, \$34,917,000, to remain available until expended.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; grants, contracts, or other payments to

33 USC 851.

nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; \$1,453,928,000 to remain available until expended, of which \$1,000,000 shall be available for a grant to the South Carolina Coastal Council for the acquisition of the Victoria Bluff Tract in Beaufort County, South Carolina, of which \$2,000,000 shall be available for a grant to make permanent improvements to the Woods Hole Marine Biological Laboratory, Woods Hole, Massachusetts, of which \$600,000 shall be available for operational expenses and cooperative agreements at the Fish Farming Experimental Laboratory, Stuttgart, Arkansas, and of which \$394,000 shall be available only for a semitropical research facility located at Key Largo, Florida; and in addition, \$35,389,000 shall be derived from the Airport and Airways Trust Fund as authorized by 49 U.S.C. App. 2205(d); and in addition, \$63,100,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided*, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed \$2,000,000 and shall not be less than \$500,000: *Provided further*, That in addition to the sums appropriated elsewhere in this paragraph, not to exceed \$500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for grant management and related activities. Of the amount appropriated under this heading in Public Law 101-515 and carried over into fiscal year 1992, \$1,995,000 shall be available only for a grant for the construction of facilities for the Seafood Consumer Center, Incorporated, Astoria, Oregon.

GOES SATELLITE CONTINGENCY FUND

For costs necessary to maintain National Oceanic and Atmospheric Administration geostationary meteorological satellite coverage for monitoring and prediction of hurricanes and severe storms, including but not limited to the procurement of gap filler satellites, launch vehicles, and payments to foreign governments, \$110,000,000, to be deposited in a "GOES Satellite Contingency Fund", to remain available until expended: *Provided*, That these funds shall not become available for obligation until the Secretary of Commerce notifies the Appropriations Committees of the House of Representatives and the Senate that a requirement for these funds exists through the reprogramming provisions of this Act.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 6209 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), \$6,000,000 for projects and grants authorized by 16 U.S.C. 1455, 1455a, and 1455b, notwithstanding the provisions of 16 U.S.C. 1456a(b)(2).

FISHERIES PROMOTIONAL FUND

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, as amended, \$250,000, to remain available until expended, shall be made available as authorized by said Act.

FISHING VESSEL AND GEAR DAMAGE FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed \$1,281,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$1,000,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$1,000,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, \$1,000,000: *Provided*, That during fiscal year 1992 total commitments to guarantee loans shall not exceed \$10,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$1,700,000 which may be transferred to and merged with Operations, Research, and Facilities.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$31,280,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), \$15,140,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$125,290,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, \$165,000,000, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$40,380,000.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$330,000 for official representation expenses abroad; and purchase of passenger motor vehicles for official use abroad not to exceed \$30,000 per vehicle; obtain insurance on official motor vehicles, rent tie lines and teletype equipment; \$207,160,000, to remain available until expended, of which \$3,000,000 is for support costs of a new materials center in Ames, Iowa, and of which \$15,221,000 is for the Office of Textiles and Apparel, including \$3,315,000 for a grant to the Tailored Clothing Technology Corporation, and \$8,000,000 for a grant to the National Textile Center University Research Consortium: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: *Provided further*, That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed twelve: *Provided further*, That funds shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public Law 99-64.

19 USC 2171
note.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field

activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$25,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; \$39,450,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$40,500,000 of which \$25,000,000 shall remain available until expended: *Provided*, That not to exceed \$15,500,000 shall be available for program management for fiscal year 1992.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703; and including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed \$15,000 for representation expenses abroad; \$17,480,000, to remain available until expended: *Provided*, That disaster grants to States or other eligible entities made available by Public Law 101-515 and in this appropriation shall not be subject to the local match requirements of 22 U.S.C. 2123: *Provided further*, That \$2,000,000 shall be available to continue such grants or initiate new disaster grants to States or other eligible entities whose tourism promotion needs have increased due to disasters.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; \$88,441,000 of which \$86,894,000 shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

15 USC 3704b.

For necessary expenses of the Technology Administration, \$4,600,000: *Provided*, That Section 212(a)(1) of Public Law 100-519 (102 Stat. 2594) is amended by adding a new paragraph (E) as follows: "(E) For the period of October 1, 1991 through September 30, 1992, only, retain and use all earned and unearned monies heretofore or hereafter received, including receipts, revenues, and advanced payments and deposits, to fund all obligations and expenses, including inventories and capital equipment."

INFORMATION PRODUCTS AND SERVICES

Notwithstanding sections 212 (a)(1)(B) and (a)(3) of Public Law 100-519, there may be credited to this account not to exceed \$1,000,000 for modernization, including operating expenses.

NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, \$17,600,000, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND
CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$22,925,000, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed \$1,500,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended: *Provided further*, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances under this heading may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further*, That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed \$400,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program

(PEACESAT): *Provided further*, That \$250,000 shall be available for the American Indian Higher Education Consortium for utilization of telecommunications technologies.

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101-437, including costs for contracts, grants and administrative expenses, \$2,000,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$27,632,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1992, of which no more than two positions shall be designated as National Economic Development Representatives: *Provided further*, That such positions shall be maintained within an organizational structure that provides at least one full-time EDR in each State to which a full-time EDR was assigned as of December 31, 1987.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants under the Trade Adjustment Assistance Program, as authorized by 19 U.S.C. 2024, and for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, the Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, \$226,836,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That during fiscal year 1992, the Economic Development Administration shall not make any reduction in the individual grant amounts made to university centers in fiscal year 1991 except on the basis of failing to conform to the EDA grant agreements in place for fiscal year 1992 from the grant amounts made to such centers in fiscal year 1991: *Provided further*, That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, any proceeds from the sale of property developed by Economic Development Administration Project Number 01-51-21118 shall be retained by the grantee for other development purposes and/or projects: *Provided further*, That notwithstanding any other provision of law or regulation, including the Public Works and Economic

Development Act of 1965, as amended, funds obligated or otherwise made available for Economic Development Administration Project Number 05-22-00014 shall remain available to complete the project.

ECONOMIC DEVELOPMENT GUARANTEED LOANS

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Public Works and Economic Development Act of 1965, as amended, \$800,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$1,614,000 which may be transferred to and merged with the Salaries and Expenses account of the Economic Development Administration.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

13 USC 23 note.

SEC. 204. None of the funds provided in this or any previous Act shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. (a) Funds appropriated by this Act to the National Institute of Standards and Technology of the Department of Commerce for the Advanced Technology Program shall be available for award to companies or to joint ventures under the terms and conditions set forth in subsection (b) of this section, in addition to any terms and conditions established by rules issued by the Secretary of Commerce.

(b)(1) A company shall be eligible to receive financial assistance from the Secretary of Commerce only if—

(A) the Secretary of Commerce finds that the company's participation in the Advanced Technology Program would be in the economic interest of the United States, as evidenced by investments in the United States in research, development, and manufacturing (including, for example, the manufacture of major components or subassemblies in the United States); significant contributions to employment in the United States;

and agreement with respect to any technology arising from assistance provided by the Secretary of Commerce to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry), and to procure parts and materials from competitive suppliers; and

(B) either—

- (i) the company is a United States-owned company; or
- (ii) the Secretary of Commerce finds that the company has a parent company which is incorporated in a country which affords the United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those funded through the Advanced Technology Program; affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and affords adequate and effective protection for the intellectual property rights of United States-owned companies.

(2) The Secretary of Commerce may, 30 days after notice to Congress, suspend a company or joint venture from receiving continued assistance through the Advanced Technology Program if the Secretary of Commerce determines that the company, the country of incorporation of the parent company of a company, or the joint venture has failed to satisfy any of the criteria set forth in this subsection, and that it is in the national interest of the United States to do so.

(3) As used in this section, the term "United States-owned company" means a company that has a majority ownership or control by individuals who are citizens of the United States.

This title may be cited as the "Department of Commerce Appropriations Act, 1992".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$20,787,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$3,801,000, of which \$1,861,000 shall remain available until expended.

The Judiciary
Appropriations
Act, 1992.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$10,775,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$9,432,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the Claims Court, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$1,875,000,000 (including the purchase of firearms and ammunition); of which not to exceed \$68,245,000 shall remain available until expended for space alteration projects; and of which \$500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,100,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as

authorized by 28 U.S.C. 1875(d), \$190,621,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); \$70,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); \$81,048,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$44,681,000, of which not to exceed \$7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$17,795,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), to the Judicial Survivors Annuities Fund, as authorized by 28 U.S.C. 376(c), \$6,000,000, and in addition, to the Claims Court Judges Retirement Fund, as authorized by 28 U.S.C. 178(1), \$500,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$9,000,000.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210 and the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

28 USC 1913
note.

SEC. 303. (a) The Judicial Conference shall hereafter prescribe reasonable fees, pursuant to sections 1913, 1914, 1926, and 1930 of title 28, United States Code, for collection by the courts under those sections for access to information available through automatic data processing equipment. These fees may distinguish between classes of persons, and shall provide for exempting persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information. The Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.

Public
information.

(b) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under paragraph (a) to the Congress at least 30 days before the schedule becomes effective. All fees hereafter collected by the Judiciary under paragraph (a) as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.

SEC. 304. Section 121 of title 28, United States Code, is amended as follows:

(1) in the first sentence of paragraph (4) by striking out "Barnwell, and Hampton" and inserting in lieu thereof "and Barnwell"; and

(2) in the first sentence of paragraph (11) by inserting "Hampton," before "and Jasper".

28 USC 461 note.

SEC. 305. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 1992, to receive a salary adjustment in accordance with 28 U.S.C. 461.

This title may be cited as "The Judiciary Appropriations Act, 1992".

TITLE IV—RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, \$272,210,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$73,200,000, to remain available until expended, of which not less than \$8,872,000 shall be available only for the State maritime academy programs, and of which \$1,200,000 shall be available for payments to State maritime academies to acquire maritime training simulators: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and related programs, \$233,961,000, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

Federal
buildings and
facilities.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all

receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Christopher Columbus Quincentenary Jubilee Commission as authorized by Public Law 98-375, \$220,000, to remain available until December 31, 1993, as authorized by section 11(b) of said Act, as amended by section 8 of Public Law 100-94.

COMMISSION ON AGRICULTURAL WORKERS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Agricultural Workers as authorized by section 304 of Public Law 99-603 (100 Stat. 3431-3434), \$1,426,000, to remain available until expended.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES
CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution as authorized by Public Law 98-101 (97 Stat. 719-723), \$1,882,000, to remain available until expended: *Provided*, That in carrying out the purposes of this Act, the Commission is authorized to enter into contracts, grants, or cooperative agreements as directed by the Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3; 31 U.S.C. 6301).

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,075,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by section 5209 of the Omnibus Trade and Competitiveness Act of 1988, \$750,000, to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,250,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, \$300,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$20,400,000 of which \$2,500,000 shall remain available until expended: *Provided*, That not to exceed \$98,000 shall be available for official reception and representation expenses.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$350,000,000; of which \$296,755,000 is for basic field programs; \$7,848,000 is for Native American programs; \$10,839,000 is for migrant programs; \$488,000 is for special emergency funds; \$1,229,000 is for law school clinics; \$1,117,000 is for supplemental field programs; \$697,000 is for regional training centers; \$8,079,000 is for national support; \$9,263,000 is for State support; \$966,000 is for the Clearinghouse; \$571,000 is for computer assisted legal research regional centers; \$9,774,000 is for Corporation management and administration; \$977,000 is for board initiatives; \$97,000 is for special contingency funds; and \$1,300,000, to remain available until expended, is for a grant for equipment, facilities, and other assets for a National Resource and Training Center suitable to accommodate National Trial Advocacy Institutes for Legal Services Corporation personnel: *Provided*, That the Corporation in awarding such a grant shall give preference to a university at which such Institutes have been held in at least four of the last five years.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101-574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$235,811,000 of which \$60,500,000 is for grants for performance in fiscal year 1992 or fiscal year 1993 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended; of which \$16,000,000 shall be available to implement section 24 of the Small Business Act, as amended, including \$1,000,000 to be made available only to County of Monroe, New York; of which \$1,500,000 shall be available to implement section 25 of the Small Business Act, as amended; of

which \$2,900,000 shall be available for the Service Corps of Retired Executives (SCORE); of which \$4,000,000 shall be made available for a grant to St. Norbert College in De Pere, Wisconsin, for a regional center for rural economic development; of which \$1,000,000 shall be made available for a grant to the New Hampshire Department of Resources and Economic Development; of which \$1,000,000 shall be made available for a grant to the New York City Public Library for equipment, supplies and materials for the new Science, Industry, and Business Library; of which \$500,000 shall be available for a grant to the University of Arkansas at Little Rock for a program to provide basic and high technology technical assistance to small and medium sized manufacturers located in rural areas; of which \$150,000 shall be available for a grant to the University of Central Arkansas for the Small Business Institute program's National Data Center; of which \$4,500,000 shall be available for a grant to the University of Kentucky in Lexington, Kentucky, to assist in construction of the Advanced Science and Technology Commercialization Center; of which \$1,000,000 shall be made available for a grant to Seton Hill College in Greensburg, Pennsylvania, for a Center for Entrepreneurial Opportunity; of which \$1,500,000 shall be available for a grant to the Massachusetts Biotechnology Research Institute to establish and operate a shared incubator facility and a science and business center; of which \$1,500,000 shall be available for a grant for a New England Regional Biotechnology Transfer Center to be located at a university in the region that has accredited schools of Medicine, Dental Medicine, Human Nutrition and Veterinary Medicine; of which \$1,500,000 shall be available for a grant to Indiana State University for the Center for Interdisciplinary Science Research and Education; of which \$1,000,000 shall be available for a grant to the Michigan Biotechnology Institute for an advanced program of technology transfer in the field of industrial biotechnology to support evaluation, validation and scale-up of early-stage technology and technical assistance to small businesses; of which \$800,000 shall be available for a grant for the development and implementation of an integrated small business data base for the Appalachian Region to be provided to a nonprofit organization based in Towanda, Pennsylvania; of which \$340,000 shall be available for a grant to the City of San Francisco, California, for a trade office to provide support, assistance, and research into bilateral trade opportunities between the United States and Asia; of which \$55,000 is for a grant to the City of San Francisco, California, for the publication of a small business export promotion guide; of which \$375,000 is for a grant to the City of Espanola, New Mexico, and \$375,000 is for a grant to County of Rio Arriba, New Mexico for the development of the Espanola Plaza center for cultural enhancement and economic development; of which \$550,000 is for a grant to County of Rio Arriba, New Mexico, for the development of the Cumbres and Toltec Scenic Railroad rural economic development project; and of which \$500,000 shall be available for a demonstration program to assist small businesses in complying with the Clean Air Act: *Provided*, That not more than \$500,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act: *Provided further*, That none of the funds appropriated or made available by this Act to the Small Business Administration shall be

used to adopt, implement, or enforce any rule or regulation with respect to the Small Business Development Center program authorized by section 21 of the Small Business Act, as amended (15 U.S.C. 648), nor may any of such funds be used to impose any restrictions, conditions or limitations on such program whether by standard operating procedure, audit guidelines or otherwise, unless such restrictions, conditions or limitations were in effect on October 1, 1987: *Provided further*, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, except as otherwise provided in this Act: *Provided further*, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased user fee or management assistance fee. In addition, nothing herein shall preclude the Small Business Administration from preparing or formulating, but not publishing in the Federal Register, proposed rules, nor shall anything herein apply to uniform common rules applicable to multiple Federal departments and agencies, including the Small Business Administration; nor may any of the funds provided in this paragraph restrict in any way the right of association of participants in such program.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), \$10,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 15 U.S.C. 631 note as follows: cost of direct loans, \$24,563,000, and cost of guarantees, \$245,786,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$69,935,000: *Provided further*, That, in addition, \$2,600,000 are available until expended for the subsidy cost of \$15,000,000 in direct loans for the Small Business Administration Micro-Loan program.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$104,410,000, of which not to exceed \$104,410,000 may be transferred to and merged with the appropriations for Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

DISASTER LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 15 U.S.C. 631 note, \$121,555,000, to remain available until expended: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$365,000,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$78,000,000, of which not to exceed \$78,000,000 may be transferred to and merged with the appropriations for

Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, \$14,600,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

Department of
State and
Related
Agencies
Appropriations
Act, 1992.

TITLE V—DEPARTMENT OF STATE AND RELATED
AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674, \$2,015,335,000, of which \$5,000,000 shall be available only for grants, contracts, and other activities to conduct research and promote international cooperation and of which \$15,000,000 shall be available until expended only for enhancement of the Diplomatic Telecommunications Service (DTS): *Provided*, That such DTS funds shall not be available for obligation until the Secretary of State notifies the Appropriations Committees of the House of Representatives and the Senate under the reprogramming procedures of this Act that a Diplomatic Telecommunications Service Program Office (DTS-PO) to manage a fully integrated DTS is established, in operation, and has developed a consolidation plan with common architecture, and that a requirement for these funds exists to expand the Diplomatic Telecommunications Service: *Provided further*, That none of the funds provided in this paragraph shall be available for the Department of State Telecommunications Network (DOSTN) project; and in addition not to exceed \$700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (section 118 of Public Law 101-246), and in addition not to exceed \$1,013,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553, as amended by section 120 of Public Law 101-246), and in addition not to exceed \$15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (section

119 of Public Law 101-246): *Provided further*, That up to \$6,000,000 of the funds appropriated by this paragraph may be transferred to the Working Capital Fund for the purpose of providing payment of medical expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), \$23,037,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), \$4,802,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, \$10,464,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851) \$545,000,000, of which \$100,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R., to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), \$7,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans as authorized by 22 U.S.C. 2671 as follows: Cost of direct loans, \$74,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed \$780,000. In addition, for administrative expenses necessary to carry out the direct loan program, \$145,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), \$13,784,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$112,983,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

22 USC 269a
note.

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$842,384,000, of which not to exceed \$92,719,000 is available to pay arrearages, the payment of which shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, \$107,229,000 of which not to exceed \$38,360,000 is available to pay arrearages.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, \$5,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed \$200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

22 USC 269a
note.

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES
AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and

Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$11,400,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$10,277,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed \$9,000 for representation expenses incurred by the International Joint Commission, \$4,500,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$14,000,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, as authorized by section 403 of Public Law 101-179 and section 105 of Public Law 101-246, \$4,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$16,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses, not otherwise provided for, to enable the Secretary of State to carry out the provisions of title VIII of Public Law 98-164, \$4,784,000.

FISHERMEN'S PROTECTIVE FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, \$250,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by

5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 502. None of the funds made available by this Act may be obligated or expended by the Department of State for contracts with any foreign or United States firm that complies with the Arab League Boycott of the State of Israel or with any foreign or United States firm that discriminates in the award of subcontracts on the basis of religion: *Provided*, That the Secretary of State may waive this provision on a country-by-country basis upon certification to the Congress by the Secretary that such waiver is in the national interest and is necessary to carry on the diplomatic functions of the United States.

SEC. 503. None of the funds provided in this Act shall be used by the Department of State to issue any passport that is designated for travel only to Israel, and 90 days after the enactment of this Act, none of the funds provided in this Act shall be used by the Department of State to issue more than one official or diplomatic passport to any United States Government employee for the purpose of enabling that employee to acquiesce in or comply with the policy of the majority of Arab League nations of rejecting passports of, or denying entrance visas to, persons whose passports or other documents reflect that that person has visited Israel.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed \$100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), \$44,527,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871-2883), \$212,491,000 of which not to exceed \$52,000 may be made available for official reception and representation expenses.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$200,000 as authorized by Public Law 99-83, section 1303.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$42,434,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, \$1,250,000; and an amount of Japanese currency not to exceed the equivalent of \$1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94-118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed \$25,000 as authorized by 22 U.S.C. 1474(3); \$691,725,000: *Provided*, That not to exceed \$1,235,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed \$3,500,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That not to exceed \$500,000 shall remain available until expended as authorized by 22 U.S.C. 1477b(a), for expenses and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535-1536: *Provided further*, That not to exceed \$7,615,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further*, That up to \$1,250,000 shall be available for the operation of International Literary Centre, Ltd., or a nonprofit successor organization, as appropriate.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), \$4,206,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, and Congress-Bundestag Exchange Programs, as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), \$194,232,000, to remain available until expended as authorized by 22 U.S.C. 2455, of which \$1,000,000 shall be available for the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

PAYMENT TO THE EISENHOWER EXCHANGE FELLOWSHIP PROGRAM
TRUST FUND

For payment to the Eisenhower Exchange Fellowship Program Trust Fund to provide for a permanent endowment for the Eisenhower Exchange Fellowship Program, \$5,000,000 as authorized by section 5 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101-454): *Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a): *Provided further*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, \$98,043,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, \$36,888,000, to remain available until expended as authorized by 22 U.S.C.

1477b(a): *Provided*, That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$24,500,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS-18 of the Classification Act of 1949, as amended.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 as authorized by section 209 of H.R. 1415 as passed the House of Representatives on May 15, 1991, by grant to an educational institution in Florida known as the North/South Center, \$5,000,000 to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, \$27,500,000, to remain available until expended.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1992".

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Contracts.

SEC. 606. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

Disadvantaged.

SEC. 607. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1992 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1992 at not less than \$9.76 per poor person within the geographical area of each grantee or contractor under the 1980 census or 8 cents per poor person more than the annual per-poor-person level at which funding was appropriated for each grantee and contractor in Public Law 101-515, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below \$18.39 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of Public Law 101-515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions set forth in Public Law 101-515: *Provided further*, That for the purposes of the previous proviso, all references to "1991" in Public Law 101-515 shall be deemed to be "1992".

SEC. 608. (a) No funds provided by this Act may be used to reinstate or approve any export license applications for the launch of United States-built satellites on Chinese-built launch vehicles unless the President waives such prohibition in the national interest

or under subsection (b) of this section. The term export license applications also includes requests for approval of technical assistance agreements or services that would serve to facilitate launch of such satellites.

(b) The restriction on the approval of export licenses for United States-built satellites to the People's Republic of China for launch on Chinese-built launch vehicles contained in subsection (a) may be waived by the President on a case-by-case basis upon certification by the United States Trade Representative that the People's Republic of China is, with regard to the respective satellite, components, or technology related thereto for which the export license request is pending, in full compliance with the Memorandum of Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding International Trade in Commercial Launch Services.

Sec. 609. (a) Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1)) is amended by striking "except separate trust certificates shall be issued for loans approved under section 7(a)(13)" and inserting in lieu thereof the following: "or under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 660)".

(b) Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by striking "or a loan under paragraph (13)" from the first sentence.

(c) Section 215(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1990 (Public Law 101-574) is amended by striking "July 1, 1991" and inserting in lieu thereof "July 1, 1992".

(d) The Small Business Act is amended by adding the following new section:

"SEC. 28. PILOT TECHNOLOGY ACCESS PROGRAM.

"(a) ESTABLISHMENT.—The Administration, in consultation with the National Institute of Standards and Technology and the National Technical Information Service, shall establish a Pilot Technology Access Program, for making awards under this section to Small Business Development Centers (hereinafter in this section referred to as "Centers").

"(b) CRITERIA FOR SELECTION OF CENTERS.—The Administrator of the Small Business Administration shall establish competitive, merit-based criteria for the selection of Centers to receive awards on the basis of—

"(1) the ability of the applicant to carry out the purposes described in subsection (d) in a manner relevant to the needs of industries in the area served by the Center;

"(2) the ability of the applicant to integrate the implementation of this program with existing Federal and State technical and business assistance resources; and

"(3) the ability of the applicant to continue providing technology access after the termination of this pilot program.

"(c) MATCHING REQUIREMENT.—To be eligible to receive an award under this section, an applicant shall provide a matching contribution at least equal to that received under such award, not more than 50 percent of which may be waived overhead or in-kind contributions.

"(d) PURPOSE OF AWARDS.—Awards made under this section shall be for the purpose of increasing access by small businesses to on-line data base services that provide technical and business information,

15 USC 683 note.

Decorations,
medals, awards.
Small business.
15 USC 655.

and access to technical experts, in a wide range of technologies, through such activities as—

“(1) defraying the cost of access by small businesses to the data base services;

“(2) training small businesses in the use of the data base services; and

“(3) establishing a public point of access to the data base services.

Activities described in paragraphs (1) through (3) may be carried out through contract with a private entity.

“(e) RENEWAL OF AWARDS.—Awards previously made under section 21A of this Act may be renewed under this section.

“(f) INTERIM REPORT.—Two years after the date on which the first award was issued under section 21A of this Act, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science, and Transportation of the Senate, an interim report on the implementation of the program under such section and this section, including the judgments of the participating Centers as to its effect on small business productivity and innovation.

“(g) FINAL REPORT.—Three years after such date, the General Accounting Office shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Small Business and the Committee on Commerce, Science and Transportation of the Senate, a final report evaluating the effectiveness of the Program under section 21A and this section in improving small business productivity and innovation.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Small Business Administration \$5 million for each of fiscal years 1992 through 1995 to carry out this section, and such amounts may remain available until expended.

“(i) Centers are encouraged to seek funding from Federal and non-Federal sources other than those provided for in this section to assist small businesses in the identification of appropriate technologies to fill their needs, the transfer of technologies from Federal laboratories, public and private universities, and other public and private institutions, the analysis of commercial opportunities represented by such technologies, and such other functions as the development, business planning, market research, and financial packaging required for commercialization. Insofar as such Centers pursue these activities, Federal agencies are encouraged to employ these Centers to interface with small businesses for such purposes as facilitating small business participation in Federal procurement and fostering commercialization of Federally-funded research and development.”

(e) Notwithstanding any other law, no funds shall be appropriated to carry out section 21A of the Small Business Act after September 30, 1991, and such section is repealed October 1, 1992.

(f) Section 232 of the Small Business Administration Reauthorization and Amendments Act of 1990 is repealed.

(g) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking “March 31, 1991” in the first sentence and inserting in lieu thereof “October 1, 1992”.

15 USC 648a
and note.

15 USC 648a
note.

(h) Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following new subsection:

“(m) MICROLOAN DEMONSTRATION PROGRAM.—

“(1)(A) PURPOSES.—The purposes of the Microloan Demonstration Program are—

“(i) to assist women, low-income, and minority entrepreneurs, business owners, and other individuals possessing the capability to operate successful business concerns;

“(ii) to assist small business concerns in those areas suffering from a lack of credit due to economic downturns; and

“(iii) to establish a microloan demonstration program to be administered by the Small Business Administration—

“(I) to make loans to eligible intermediaries to enable such intermediaries to provide small-scale loans to startup, newly established, or growing small business concerns for working capital or the acquisition of materials, supplies, or equipment;

“(II) to make grants to eligible intermediaries that, together with non-Federal matching funds, will enable such intermediaries to provide intensive marketing, management, and technical assistance to microloan borrowers;

“(III) to make grants to eligible nonprofit entities that, together with non-Federal matching funds, will enable such entities to provide intensive marketing, management, and technical assistance to assist low-income entrepreneurs and other low-income individuals obtain private sector financing for their businesses, with or without loan guarantees; and

“(IV) to report to the Committees on Small Business of the Senate and the House of Representatives on the effectiveness of the microloan program and the advisability and feasibility of implementing such a program nationwide.

“(B) ESTABLISHMENT.—There is established a microloan demonstration program, under which the Administration may—

“(i) make direct loans to eligible intermediaries, as provided under paragraph (3), for the purpose of making short-term, fixed interest rate microloans to startup, newly established, and growing small business concerns under paragraph (6);

“(ii) in conjunction with such loans and subject to the requirements of paragraph (4), make grants to such intermediaries for the purpose of providing intensive marketing, management, and technical assistance to small business concerns that are borrowers under this subsection; and

“(iii) subject to the requirements of paragraph (5), make grants to nonprofit entities for the purpose of providing marketing, management, and technical assistance to low-income individuals seeking to start or enlarge their own businesses, if such assistance includes working with the grant recipient to secure loans in amounts not to exceed \$15,000 from private sector lending institutions, with or without a loan guarantee from the nonprofit entity.

Women.
Disadvantaged.
Minorities.
Small business.
Grants.

“(2) **ELIGIBILITY FOR PARTICIPATION.**—An intermediary shall be eligible to receive loans and grants under subparagraphs (B)(i) and (B)(ii) of paragraph (1) if it—

“(A) meets the definition in paragraph (10); and

“(B) has at least 1 year of experience making microloans to startup, newly established, or growing small business concerns and providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers.

“(3) **LOANS TO INTERMEDIARIES.**—

“(A) **INTERMEDIARY APPLICATIONS.**—As part of its application for a loan, each intermediary shall submit a description to the Administration of—

“(i) the type of businesses to be assisted;

“(ii) the size and range of loans to be made;

“(iii) the geographic area to be served and its economic and unemployment characteristics;

“(iv) the status of small business concerns in the area to be served and an analysis of their credit and technical assistance needs;

“(v) any marketing, management, and technical assistance to be provided in connection with a loan made under this subsection;

“(vi) the local economic credit markets, including the costs associated with obtaining credit locally;

“(vii) the qualifications of the applicant to carry out the purpose of this subsection; and

“(viii) any plan to involve private sector lenders in assisting selected small business concerns.

“(B) **INTERMEDIARY CONTRIBUTION.**—As a condition of any loan made to an intermediary under subparagraph (B)(i) of paragraph (1), the Administration shall require the intermediary to contribute not less than 15 percent of the loan amount in cash from non-Federal sources.

“(C) **LOAN LIMITS.**—Notwithstanding subsection (a)(3), no loan shall be made under this subsection if the total amount outstanding and committed to one intermediary (excluding outstanding grants) from the business loan and investment fund established by this Act would, as a result of such loan, exceed \$750,000 in the first year of such intermediary's participation in the program, and \$1,250,000 in the remaining years of the intermediary's participation in the demonstration program.

“(D) **LOAN LOSS RESERVE FUND.**—The Administration shall, by regulation, require each intermediary to establish a loan loss reserve fund, and to maintain such reserve fund until all obligations owed to the Administration under this subsection are repaid. The Administration shall require the loan loss reserve fund to be maintained—

“(i) in the first year of the intermediary's participation in the demonstration program, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owed to the intermediary; and

“(ii) in each year of participation thereafter, at a level reflecting the intermediary's total losses as a result of participation in the demonstration program, as determined by the Administration on a case-by-case

Regulations.

basis, but in no case shall the required level exceed 15 percent of the outstanding balance of the notes receivable owed to the intermediary under the program.

“(E) UNAVAILABILITY OF COMPARABLE CREDIT.—An intermediary may make a loan under this subsection of more than \$15,000 to a small business concern only if such small business concern demonstrates that it is unable to obtain credit elsewhere at comparable interest rates and that it has good prospects for success. In no case shall an intermediary make a loan under this subsection of more than \$25,000, or have outstanding or committed to any 1 borrower more than \$25,000.

“(F) LOAN DURATION.—Loans made by the Administration under this subsection shall be for a term of 10 years and at an interest rate equal to the rate determined by the Secretary of the Treasury for obligations of the United States with a period of maturity of 5 years, adjusted to the nearest one-eighth of 1 percent.

“(G) DELAYED PAYMENTS.—The Administration shall not require repayment of interest or principal of a loan made to an intermediary under this subsection during the first year of the loan.

“(H) FEES; COLLATERAL.—Except as provided in subparagraphs (B) and (D), the Administration shall not charge any fees or require collateral other than an assignment of the notes receivable of the microloans with respect to any loan made to an intermediary under this subsection.

“(4) MARKETING, MANAGEMENT AND TECHNICAL ASSISTANCE GRANTS TO INTERMEDIARIES.—Grants made in accordance with subparagraph (B)(ii) of paragraph (1) shall be subject to the following requirements:

“(A) GRANT AMOUNTS.—Subject to the requirements of subparagraph (B), each intermediary that receives a loan under subparagraph (B)(i) of paragraph (1) shall be eligible to receive a grant to provide marketing, management, and technical assistance to small business concerns that are borrowers under this subsection. In the first and second years of an intermediary's program participation, each intermediary meeting the requirement of subparagraph (B) may receive a grant of not more than 20 percent of the total outstanding balance of loans made to it under this subsection. In the third and subsequent years of an intermediary's program participation, each intermediary meeting the requirements of subparagraph (B) may receive a grant of not more than 10 percent of the total outstanding balance of loans made to it under this subsection.

“(B) CONTRIBUTION.—As a condition of any grant made under subparagraph (A), the Administration shall require the intermediary to contribute an amount equal to one-half of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

“(5) PRIVATE SECTOR BORROWING TECHNICAL ASSISTANCE GRANTS.—Grants made in accordance with subparagraph (B)(iii) of paragraph (1) shall be subject to the following requirements:

“(A) GRANT AMOUNTS.—Subject to the requirements of subparagraph (B), in each of the 5 years of the demonstration program established under this subsection, the Administration may make not more than 2 grants, each in amounts not to exceed \$125,000 for the purposes specified in subparagraph (B)(iii) of paragraph (1).

“(B) CONTRIBUTION.—As a condition of any grant made under subparagraph (A), the Administration shall require the grant recipient to contribute an amount equal to 20 percent of the amount of the grant, obtained solely from non-Federal sources. In addition to cash or other direct funding, the contribution may include indirect costs or in-kind contributions paid for under non-Federal programs.

“(6) LOANS TO SMALL BUSINESS CONCERNS FROM ELIGIBLE INTERMEDIARIES.—

“(A) IN GENERAL.—An eligible intermediary shall make short-term, fixed rate loans to startup, newly established, and growing small business concerns from the funds made available to it under subparagraph (B)(i) of paragraph (1) for working capital and the acquisition of materials, supplies, furniture, fixtures, and equipment.

“(B) PORTFOLIO REQUIREMENT.—To the extent practicable, each intermediary that operates a microloan program under this subsection shall maintain a microloan portfolio with an average loan size of not more than \$10,000.

“(C) INTEREST LIMIT.—Notwithstanding any provision of the laws of any State or the constitution of any State pertaining to the rate or amount of interest that may be charged, taken, received or reserved on a loan, the maximum rate of interest to be charged on a microloan funded under this subsection shall be not more than 4 percentage points above the prime lending rate, as identified by the Administration and published in the Federal Register on a quarterly basis.

“(D) REVIEW RESTRICTION.—The Administration shall not review individual microloans made by intermediaries prior to approval.

“(7) PROGRAM FUNDING.—

“(A) FIRST YEAR PROGRAMS.—In the first year of the demonstration program, the Administration is authorized to fund, on a competitive basis, not more than 35 microloan programs, including not less than 1 program to be located in each of the following States: Arkansas, Illinois, Iowa, Kentucky, Maine, Minnesota, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, and Wisconsin.

“(B) EXPANDED PROGRAMS.—In the second year of the demonstration program, the Administration is authorized to fund up to 25 additional microloan programs.

“(C) STATE LIMITATIONS.—In no case shall a State—

“(i) be awarded more than 2 microloan programs in any year of the demonstration program;

“(ii) receive more than \$1,000,000 to fund such programs in such State's first year of participation; or

“(iii) receive more than \$1,500,000 to fund such programs in any succeeding year of such State's participation.

“(8) **RURAL ASSISTANCE.**—In funding microloan programs, the Administration shall ensure that at least one-half of the programs funded under this subsection will provide microloans to small business concerns located in rural areas.

“(9) **REPORT TO CONGRESS.**—On November 1, 1995, the Administration shall submit to the Committees on Small Business of the Senate and the House of Representatives a report, including the Administration’s evaluation of the effectiveness of the first 3½ years of the microloan demonstration program and the following:

“(A) the numbers and locations of the intermediaries funded to conduct microloan programs;

“(B) the amounts of each loan and each grant to intermediaries;

“(C) a description of the matching contributions of each intermediary;

“(D) the numbers and amounts of microloans made by the intermediaries to small business concern borrowers;

“(E) the repayment history of each intermediary;

“(F) a description of the loan portfolio of each intermediary including the extent to which it provides microloans to small business concerns in rural areas; and

“(G) any recommendations for legislative changes that would improve program operations.

“(10) **DEFINITIONS.**—For purposes of this subsection—

“(A) the term ‘intermediary’ means a private, nonprofit entity or a nonprofit community development corporation that seeks to borrow or has borrowed funds from the Small Business Administration to make microloans to small business concerns under this subsection;

“(B) the term ‘microloan’ means a short-term, fixed rate loan of not more than \$25,000, made by an intermediary to a startup, newly established, or growing small business concern;

“(C) the term ‘rural area’ means any political subdivision or unincorporated area—

“(i) in a nonmetropolitan county (as defined by the Secretary of Agriculture) or its equivalent thereof; or

“(ii) in a metropolitan county or its equivalent that has a resident population of less than 20,000 if the Small Business Administration has determined such political subdivision or area to be rural.”

(i) **REGULATIONS.**—Not later than 90 days after the date of the enactment of this Act, the Small Business Administration shall promulgate interim final regulations to implement the microloan demonstration program. 15 USC 636 note.

(j) **PROGRAM TERMINATION.**—The demonstration program established by subsection (h) shall terminate 5 years after the date of enactment of this Act. 15 USC 636 note.

(k) **PROGRAM FUNDING AND REPAYMENT OF LOANS.**—Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(1) in paragraph (1), by striking “and 7(c)(2)” and inserting “7(c)(2), and 7(m)”; and

(2) in paragraph (2), by striking “and 8(a)” and inserting “7(m), and 8(a)”.

(l) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out the demonstration program established under section 7(m) of the Small

Business Act (as added by subsection (h)), there are authorized to be appropriated to the Small Business Administration—

(1) for fiscal year 1992—

(A) \$15,000,000 to be used for the provision of loans; and

(B) \$3,000,000 to be used for the provision of grants; and

(2) for fiscal year 1993—

(A) \$25,000,000 to be used for the provision of loans; and

(B) \$5,000,000 to be used for the provision of grants.

Immigration.
8 USC 1101 note.

SEC. 610. REGULATIONS REQUIRED.—(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act, including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of “assistance as required by the Attorney General”, and (5) the process by which States and localities are to be reimbursed.

(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(ii) and a delineation of “in any other circumstances” in section 404(b)(2)(iii) of such Act.

(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act and issued in final form not later than 15 days after the end of the comment period.

SEC. 611. Notwithstanding any other provision of law:

28 USC 509 note.

(a) For fiscal year 1992 and thereafter, the Department of Justice may procure the services of expert witnesses for use in preparing or prosecuting a civil or criminal action, without regard to competitive procurement procedures, including the Commerce Business Daily publication requirements: *Provided*, That no witness shall be paid more than one attendance fee for any calendar day.

(b) The Attorney General is authorized to enter into a lease with the University of South Carolina to carry out the provision required under the appropriation “Salaries and Expenses, United States Attorneys” in this Act.

SEC. 612. Notwithstanding any other provision of law, none of the funds in this Act shall be available for General Services Administra-

tion Rent System payments, unless such payments are processed through the Treasury Department's Billed Office Address Code System.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992".

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2608:

HOUSE REPORTS: Nos. 102-106 (Comm. on Appropriations) and 102-233 (Comm. of Conference).

SENATE REPORTS: No. 102-106 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 13, considered and passed House.

July 30, 31, considered and passed Senate, amended.

Oct. 3, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments; and disagreed to another.

Senate agreed to conference report; concurred in House amendments; and receded from its amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Oct. 28, Presidential statement.

Public Law 102-141
102d Congress

An Act

Oct. 28, 1991
[H.R. 2622]

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes.

Treasury, Postal
Service and
General
Government
Appropriations
Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes, namely:

Treasury
Department
Appropriations
Act, 1992.

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed \$22,000 for official reception and representation expenses; not to exceed \$200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not less than \$2,522,000 and 40 full-time equivalent positions for the Office of Foreign Assets Control; not to exceed \$2,330,000, to remain available until expended, for systems modernization requirements; not to exceed \$490,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; \$68,238,000.

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the Departmental Offices, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$2,000,000 for official travel expenses; not to exceed \$73,000 for official reception and representation expenses; not to exceed \$2,487,000, to remain available until expended, for systems modernization requirements; \$33,325,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed \$2,000,000 for official travel expenses; not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; \$24,835,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed \$3,000 for official reception and representation expenses; \$18,055,000, of which not to exceed \$945,000 shall remain available until expended, for development of FinCEN's intelligence information systems.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed \$7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided*, That the Center is authorized to accept gifts: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority; \$39,645,000.

42 USC 3771
note.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED
EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, \$8,309,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$231,500,000, of which not to exceed \$10,794,000, shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty: *Provided*, That notwithstanding the provision of 31 U.S.C. sec. 1342, the Bureau of Alcohol, Tobacco and Firearms is authorized to accept, receive, hold, and administer gifts of services and personal property for hosting the General Assembly of the International Office of Vine and Wine (OIV) in the United States in 1993. The Bureau of Alcohol, Tobacco and Firearms is authorized to use otherwise available funds from the appropriations to the Bureau for fiscal years 1992 and 1993, as necessary, to pay the expenses of hosting, including reception, representation, and transportation expenses. The Bureau of Alcohol, Tobacco and Firearms' authority shall continue until all expenses for the General Assembly meeting have been paid or otherwise satisfied: *Provided further*, That not to exceed \$10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; \$336,040,000, of which \$19,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1992, and, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which \$650,000 shall be available solely for improvement of information retrieval systems at the National Firearms Tracing Center; and of which \$1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State

and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipts and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further*, That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further*, That not to exceed \$300,000 shall be available for research and development of an explosive identification and detection device: *Provided further*, That this provision shall not preclude ATF from assisting the International Civil Aviation Organization in the development of a detection agent for explosives or from enforcing any legislation implementing the Convention on the Marking of Plastic and Sheet Explosives for the Purpose of Detection: *Provided further*, That funds made available under this Act shall be used to achieve a minimum level of 4,109 full-time equivalent positions for fiscal year 1992, of which no fewer than 1,127 full-time equivalent positions shall be allocated for the Armed Career Criminal Apprehension Program.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed \$20,000 for official reception and representation expenses; funds for additional positions for the San Francisco, California, the Baltimore, Maryland, and Port Huron, Michigan Customs Districts, and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; \$1,266,305,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed \$4,000,000, to remain available until expended, for research, and not to exceed \$3,500,000, to remain available until expended, for renovation and expansion of the Canine Enforcement Training Center: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000: *Provided further*, That the Commissioner or the Commissioner's designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That the United States Customs Service shall hire and maintain an average of not less than 17,411 full-time equivalent positions in fiscal year 1992, of

which a minimum level of 960 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service, and of which a minimum level of 10,480 full-time equivalent positions shall be allocated to commercial operations activities: *Provided further*, That no funds appropriated by this Act may be used to reduce to single eight hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1992: *Provided further*, That not less than \$500,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION
PROGRAMS

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (transfer or acquisition from any other agency), operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs; \$175,932,000, of which \$14,500,000 shall not be obligated prior to September 30, 1992, to remain available until expended: *Provided*, That no aircraft or other related equipment shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury during fiscal year 1992.

CUSTOMS AIR INTERDICTION FACILITIES, CONSTRUCTION,
IMPROVEMENTS AND RELATED EXPENSES

For acquisition of necessary additional real property, facilities construction, improvements, and related expenses of the United States Customs Service Air Interdiction Program, \$12,100,000, to remain available until expended.

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

For necessary expenses of the Customs Forfeiture Fund, not to exceed \$15,000,000, as authorized by Public Law 100-690, as amended by Public Laws 101-382 and 101-508; to be derived from deposits in the Fund.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed \$2,981,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; \$53,806,000, including amounts for purchase and maintenance of uniforms not to exceed \$285 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties; and, of which, \$1,335,000 shall remain available until expended for expansion and improvements.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; \$189,000,000.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 125 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$141,372,000, of which not to exceed \$25,000 for official reception and representation expenses; and of which not to exceed \$500,000 shall remain available until expended for research.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$1,661,298,000, of which \$3,000,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (not to exceed 451, for replacement only, for police-type use), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$3,579,879,000, of which not less than \$292,248,000 and 4,293 full-time equivalent positions shall be available for Tax Fraud Investigations during fiscal year 1992: *Provided*, That such sums and positions for Tax Fraud Investigations shall be in addition

to such sums and positions funded by transfer from the Special Forfeiture Fund of the Office of National Drug Control Policy: *Provided further*, That additional amounts above fiscal year 1991 levels for international tax enforcement shall be used for the establishment and operation of a task force comprised of senior Internal Revenue Service Attorneys, accountants, and economists dedicated to enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in noncompliance with the Internal Revenue Code: *Provided further*, That additional amounts above fiscal year 1991 levels for the information reporting program shall be used instead for the examination of the tax returns of high-income and high-asset taxpayers.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; program support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$1,294,713,000, of which not less than \$427,323,000 shall remain available until expended for tax systems modernization, and of which not to exceed \$60,000,000 shall remain available until expended for other systems development projects: *Provided*, That of the \$427,323,000 provided for tax systems modernization up to \$15,000,000 may be available until expended for the establishment of a federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization: *Provided further*, That of the amounts authorized to remain available until expended, \$97,000,000, shall not be obligated prior to September 30, 1992.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 4 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership

or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches and presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$12,500 for official reception and representation expenses; not to exceed \$50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; \$475,423,000, of which \$2,500,000 shall remain available until expended for renovations at the temporary official residence of the Vice President and \$1,600,000 shall remain available until expended for renovations of the New York Field Office; and of which not to exceed \$300,000 shall be made available for the protection at the one non-governmental property designated by the President of the United States and \$70,000 at the airport facility used for travel en route to or from such property under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note): *Provided further*, That fiscal year 1992 funds shall be available for any Presidential protection assistance reimbursements claimed in fiscal year 1991.

DEPARTMENT OF THE TREASURY—GENERAL PROVISIONS

SEC. 101. Of the funds appropriated in this or any other Act to the Internal Revenue Service, amounts attributable to efficiency savings for fiscal year 1992 as estimated by the Commissioner shall be withheld from obligation unless the estimated savings are not achieved: *Provided*, That 50 per centum of the actual efficiency savings shall lapse or be deposited into miscellaneous receipts of the Treasury with the exception of amounts in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law: *Provided further*, That notwithstanding any fiscal year limitations on the availability of appropriations, the remainder of the actual efficiency savings shall be made available in fiscal year 1993 for cash awards to IRS employees, as authorized by sections 4501-4505 of title 5, United States Code, and for future efficiency improvements to carry out those purposes authorized by law: *Provided further*, That none of the funds shall be made available for the program without the advance approval of the House and Senate Appropriations Committees.

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general

purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 103. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 104. Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be used by the Secretary of the Treasury to direct bill a Treasury bureau for penalty mail costs incurred by another Treasury bureau.

SEC. 105. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. No such transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 106. Notwithstanding any other provision of this Act, the amount appropriated to the United States Mint for salaries and expenses is \$52,450,000.

SEC. 107. Notwithstanding any other provision of this Act, the amount appropriated to the Internal Revenue Service for processing tax returns and assistance is \$1,657,944,000.

This title may be cited as the "Treasury Department Appropriations Act, 1992".

Postal Service
Appropriations
Act, 1992.

TITLE II

POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; \$470,000,000: *Provided*, That the last sentence of section 2401(c) of title 39, United States Code, is amended to read as follows: "In requesting an appropriation under this subsection for a fiscal year, the Postal Service shall (i) include an amount to reconcile sums authorized to be appropriated for prior fiscal years on the basis of estimated mail volume with sums which would have been authorized to be appropriated if based on the final audited mail volume; and (ii) calculate the sums requested in respect of mail under former sections 4452(b) and 4452(c) of this title as though all such mail consisted of letter shaped pieces, as such pieces are defined in the then effective classification and rate schedules.": *Provided further*, That section 3626(a)(2) of title 39, United States Code, is amended to read as follows:

"(2) Rates of postage for a class of mail or kind of mailer referred to in paragraph (1) of this subsection shall be established in accordance with the requirement that the direct and indirect postal costs attributable to such class of mail or kind of mailer (excluding any other costs of the Postal Service) shall be

borne by such class of mail or kind of mailer, as the case may be: *Provided, however*, That with respect to mail under former section 4452(b) and 4452(c) of this title the preceding limitation shall apply only to rates of postage for letter shaped pieces, as such pieces are defined in the associated classification and rate schedules.”:

Provided further, That section 3626(i)(2) is amended by adding at the beginning of the first sentence thereof the phrase, “Subject to the requirements of section 2401(c) of this title and paragraph (a)(2) of this section with respect to mail under former sections 4452(b) and 4452(c) of this title,”: *Provided further*, That notwithstanding the provisions of section 3627 of title 39, United States Code, (1) the rates for free and reduced rate mail under section 3626 of title 39, United States Code, with the exception of the rates for third-class pieces other than letter shape, shall continue at the rates in effect on the date of enactment of this Act during fiscal year 1992; (2) the rates for reduced rate third-class pieces other than letter shape shall be increased pursuant to section 3627 of title 39, United States Code, so as to recover as nearly as possible one-half the difference between the sum requested for fiscal year 1992 in respect of mail under former sections 4452(b) and 4452(c) of this title as calculated under section 2401(c)(ii) of title 39, and the sum that would be requested for fiscal year 1992 in respect of such mail if paragraph (ii) of section 2401(c) had not been enacted; and (3) the Postal Service is instructed to reconcile any fiscal year 1992 funding shortfall as a result of this appropriation or the requirements of this proviso against future year appropriations requests: *Provided further*, That pursuant to section 3627 of title 39, United States Code, the rates for reduced rate third-class pieces other than letter shape shall be adjusted to increase the revenues received from the users of such mail, but in no case less than 20 days following the date of enactment of this Act: *Provided further*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1992.

39 USC 403 note.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, \$40,575,000.

This title may be cited as the “Postal Service Appropriations Act, 1992”.

Executive Office
Appropriations
Act, 1992.

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

3 USC 102 note. For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102; \$250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; \$24,510,000 including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed \$20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; \$34,885,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; \$8,362,000, of which \$1,100,000 for the repair of the face of the Executive Residence shall remain available until expended, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed \$90,000 for official entertainment expenses of the

Vice President, to be accounted for solely on his certificate; \$324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; \$2,932,000.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); \$3,345,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; \$3,701,000.

NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Critical Materials Council, including activities as authorized by Public Law 98-373; \$235,000: *Provided*, That the Council shall carry out only those responsibilities and authorities which are consistent with the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479: *Provided further*, That staff and resources of Federal departments and agencies with responsibilities or jurisdiction related to minerals or materials policy shall be made available to the Council on a nonreimbursable basis.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; \$6,145,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; \$51,934,000, of which not to exceed \$5,000,000, shall be

available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further*, That none of the funds made available by this or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcohol beverage and tobacco industries below fiscal year 1985 levels: *Provided further*, That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 105, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings, or forms promulgated thereunder.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; \$3,058,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed \$8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; \$105,122,000, of which \$500,000 shall be available for salaries and expenses of the Counter-Drug Technology Assessment Center; of which \$1,000,000 shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development activities and shall be available for transfer to other Federal agencies and departments and shall be available until expended; and, of which \$86,000,000 shall be available for drug control activities which are consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas: *Provided*, That of the

\$86,000,000 made available, up to \$50,000,000 shall be transferred to Federal agencies and departments within 90 days of enactment of this Act for implementing the approved strategy for each High Intensity Drug Trafficking Area and shall be obligated by the end of fiscal year 1992: *Provided further*, That not less than \$36,000,000 shall be transferred to the Department of Justice and the Department of the Treasury within 90 days of enactment of this Act for disbursement to State and local drug control entities for drug control activities which are consistent with the approved strategy for each High Intensity Drug Trafficking Area: *Provided further*, That in the case of the Southwest Border High Intensity Drug Trafficking Area, such funds shall be available for drug control activities which are consistent with the approved strategy and only for those activities approved by the Joint Command Group of Operation Alliance and the Assistant Secretary for Enforcement of the Department of the Treasury: *Provided further*, That notwithstanding any other provision of law, the Department of the Treasury, is authorized to transfer funds to other Federal, State, and local drug control agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 100-690, \$52,500,000 to be derived from deposits in the Special Forfeiture Fund; of which \$19,000,000 shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration: *Provided*, That \$10,000,000 shall be available to the Office of Substance Abuse Prevention for the implementation of not to exceed ten demonstration projects to permit substance-abusing women to reside with their children in comprehensive community prevention and treatment facilities: *Provided further*, That \$9,000,000 shall be made available to the Office of Treatment Improvement for drug treatment capacity expansion; of which \$7,500,000 shall be transferred to the Immigration and Naturalization Service for the hiring, equipping, and training of not less than an additional 75 full-time equivalent Border Patrol agents to be designated to sectors on the United States-Mexico border: *Provided*, That such positions shall be in addition to the full-time equivalent Border Patrol positions funded in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992; of which \$6,000,000 shall be transferred to Internal Revenue Service, tax law enforcement, for the hiring, equipping, and training of additional special agents and administrative and support positions for drug-related investigations in designated High Intensity Drug Trafficking Areas; and of which \$20,000,000 shall be transferred to the Counter-Drug Technology Assessment Center of the Office of National Drug Control Policy for counternarcotics research and development activities and for substance abuse addiction and rehabilitation research to remain available until expended: *Provided further*, That any unobligated balances remaining in the Fund at the end of the third quarter of fiscal year 1992 in excess of \$131,125,000, shall be transferred to the Alcohol, Drug Abuse, and Mental Health Administration and made available for the purposes of reducing waiting lists; expanding drug

treatment capacity, drug abuse treatment, and treatment-related activities; and shall also be transferred to the Department of Housing and Urban Development and made available for the Drug Elimination Grant Program, and such funds shall remain available until expended.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; \$1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1992".

Independent
Agencies
Appropriations
Act, 1992.

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed \$1,000 for official reception and representation expenses; \$2,227,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL

RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); \$1,330,000, and additional amounts, not to exceed \$200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28; \$1,446,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; \$18,808,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For additional expenses necessary to carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), \$271,000,000 to be deposited into said Fund. The revenues and collections deposited into said Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of \$4,152,613,000 of which (1) not to exceed \$548,482,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

California:

Menlo Park, United States Geological Survey, Office Laboratory Buildings, escalation, \$11,047,000

Orange County, Courthouse, \$250,000

District of Columbia:

U.S. Secret Service, consolidation, \$4,400,000

Florida:

Fort Myers, Federal Building and United States Courthouse, \$977,000

Tallahassee, U.S. Courthouse Annex, \$3,764,000

Georgia:

Albany, U.S. Courthouse, design, \$921,000

Atlanta, Centers for Disease Control, \$5,000,000

Augusta, U.S. Courthouse, \$3,500,000

Indiana:

Hammond, Courthouse and Federal Building, \$5,000,000

Kansas:

Wichita, U.S. Courthouse, \$9,968,400

Maine:

Portland, Edward T. Gignoux U.S. Courthouse, \$10,575,000

Maryland:

Bureau of the Census, Computer Center, planning and design, \$2,700,000

Montgomery and Prince George's Counties, Food and Drug Administration, consolidation, site acquisition, planning and design, construction, \$200,000,000

Prince George's County, U.S. Courthouse, \$10,747,000

Massachusetts:

Boston, Thomas P. O'Neill Federal Building, claim, \$3,100,000

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse, \$19,000,000

Missouri:

St. Louis, Federal Building and U.S. Courthouse, \$30,000,000

Nevada:

Reno, C. Clifton Young Federal Building, United States Courthouse Annex, design and site acquisition, \$6,321,000

New York:

Brooklyn, U.S. Courthouse, \$10,000,000

North Carolina:

Asheville, U.S. Courthouse and Federal Building, \$29,791,000

Tennessee:

Knoxville, U.S. Courthouse-Post Office, \$36,616,000

United States Virgin Islands:

Charlotte Amalie, Saint Thomas, U.S. Courthouse Annex, \$8,524,000

West Virginia:

Beckley, Federal Building and U.S. Courthouse, \$25,000,000

Nonprospectus Construction Projects, \$5,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than \$100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects: *Provided further*, That the General Services Administration shall reprogram up to \$16,200,000 to supplement funds previously authorized and appropriated for the National Oceanographic and Atmospheric Administration laboratory, Boulder, Colorado, subject to the approval of the House and Senate Committees on Appropriations according to existing reprogramming procedures: *Provided further*, That such funds will be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further*, That the amount available under this heading for Department of Transportation, Headquarters, site in Public Law 101-509, dated November 5, 1990 is hereby deferred and shall be available for

obligation on October 1, 1992 and all contingencies and constraints on the use of such funds in the original language are continued herewith; (2) not to exceed \$569,251,000 which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:

California:

Pasadena, Court of Appeals and Federal Building, \$9,218,000
 Sacramento, Federal Building, 801 I Street, \$9,529,000
 Santa Rosa, John F. Shaw Federal Building, \$1,583,000

Connecticut:

Hartford, William R. Cotter Federal Building, \$3,814,000

District of Columbia:

Federal Building 10A, \$16,527,000
 Herbert Clark Hoover Department of Commerce Building, \$3,857,000
 Housing and Urban Development Building, \$5,365,000
 Justice Building, \$7,495,000
 New Executive Office Building, \$8,083,000
 Old Executive Office Building, \$19,000,000
 Wilbur J. Cohen Federal Building, \$15,000,000

Illinois:

Chicago, John C. Kluczynski Federal Building, \$20,335,000

Kentucky:

Louisville, Federal Building, \$15,470,000

Maryland:

Baltimore, Edward A. Garmatz Federal Building U.S. Courthouse, \$6,311,000

Massachusetts:

Boston, John Fitzgerald Kennedy Federal Building and Government Center (phase 2), \$36,800,000
 Worcester, Harold D. Donahue Federal Building and United States Courthouse, \$14,000,000

Missouri:

Kansas City, Federal Office Building, \$5,256,000

Montana:

Billings, Federal Building U.S. Courthouse, \$1,919,000

New Mexico:

Albuquerque, Dennis Chavez Federal Building and U.S. Courthouse, \$3,846,000

New York:

Brooklyn, Emanuel Celler Federal Building and U.S. Courthouse (phase 1), \$8,729,000
 Buffalo, Michael J. Dillon Memorial United States Courthouse, \$5,962,000
 New York, Alexander Hamilton Custom House (phase 1), \$20,273,000
 New York, Jacob K. Javits Federal Building, \$11,955,000

Ohio:

Cincinnati, John Weld Peck Federal Building, \$2,537,000

Columbus, Federal Building and U.S. Courthouse,
\$3,348,000

Pennsylvania:

Philadelphia, Robert N. C. Nix, Sr., Federal Building and
United States Post Office, \$10,000,000

Scranton, Federal Building and U.S. Courthouse,
\$2,600,000

Texas:

Austin, IRS, Department of Veterans Affairs, Treasury
Complex, \$11,366,000

Galveston, Post Office and U.S. Courthouse, \$3,310,000

Houston, Bob Casey Federal Building and U.S. Court-
house, \$7,222,000

San Antonio, Federal Building, \$4,084,000

Utah:

Salt Lake City, Frank E. Moss U.S. Courthouse,
\$4,872,000

Salt Lake City, Wallace F. Bennett Federal Building,
\$3,254,000

Minor Repairs and Alterations, \$266,331,000: *Provided*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1993, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (3) not to exceed \$144,587,000 for installment acquisition payments including payments on purchase contracts; (4) not to exceed \$1,568,900,000 for rental of space; (5) not to exceed \$1,107,372,000 for real property operations of which \$7,000,000 shall be available for the relocation of the National Science Foundation headquarters; (6) not to exceed \$137,748,000 for program direction and centralized services; and (7) not to exceed \$112,273,000 for design and construction services which shall remain available until expended: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That none of the funds available to the General Services Administration, except for the Albany, Georgia U.S. Courthouse; the Augusta, Georgia U.S. Courthouse; the Wichita, Kansas U.S. Courthouse; the Portland, Maine Edward T. Gignoux U.S. Courthouse; the Maryland, Food and Drug Administration consolidation; the St. Louis, Missouri, Federal Building and U.S. Courthouse; the Reno, Nevada C. Clifton Young Federal Building and U.S. Courthouse Annex; the Asheville, North Carolina U.S. Courthouse and Federal Building; the Knoxville, Tennessee U.S. Courthouse-Post Office; the Beckley, West Virginia, U.S. Courthouse and Federal Building; the Atlanta, Georgia, Centers for Disease Control Building; the Orange County, California, U.S. Courthouse; the Worcester, Massachusetts, Harold D. Donahue Federal Building

and U.S. Courthouse; the Hammond, Indiana, Courthouse and Federal Building; the Brooklyn, New York, U.S. Courthouse; and the Maryland, U.S. Census Bureau Computer Center; the District of Columbia, U.S. Secret Service consolidation shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1992 excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of \$4,152,613,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; \$54,605,000.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; \$14,227,000, to be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-5).

REAL PROPERTY RELOCATION

For expenses not otherwise provided for, \$12,000,000 to remain available until expended, necessary for carrying out the functions of the Administrator with respect to relocation of Federal agencies from property which has been determined by the Administrator to be other than optimally utilized under the provisions of section 210(e) of the Federal Property and Administrative Services Act of 1949, as amended: *Provided*, That such relocations shall only be undertaken when the estimated proceeds from the disposition of the original facilities approximate the appraised fair market value of such new facilities and exceed the estimated costs of relocation. Relocation costs include expenses for and associated with acquisition of sites and facilities, and expenses of moving or repurchasing equipment and personal property. These funds may be used for payments to other Federal entities to accomplish the relocation functions: *Provided further*, That nothing in this paragraph shall be construed as relieving the Administrator of General Services or the head of any other Federal agency from any obligation or restriction under the Public Buildings Act of 1959 (including any obligation concerning submission and approval of a prospectus), the Federal Property and Administrative Services Act of 1949, as amended, or any other Federal law, or as authorizing the Administrator of General Services or the head of any other Federal agency to take actions inconsistent with statutory obligations or restrictions placed upon the Administrator of General Services or such agency head with respect to authority to acquire or dispose of real property: *Provided further*, That \$3,770,000 of the amount shall be made available to the National Archives and Records Administration to pay expenses related to the establishment and relocation of the National Long Term Records Center (which shall be known hereafter as the "Silvio O. Conte National Records Center"), authorized and directed by Public Law 101-509.

Federal
buildings and
facilities.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109, \$31,155,000: *Provided*, That this appropriation shall be available for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further*, That not less than \$825,000 shall be available for personnel and associated costs in support of Congressional District and Senate State offices without reimbursement from these offices: *Provided further*, That not to exceed \$5,000 shall be available for official reception and representation expenses.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; and for the Information Security Oversight Office established pursuant to Executive Order 12356; \$46,014,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, \$35,994,000, of which not to exceed \$2,400,000 shall remain available until expended for procurement and installment of an automation program in support of audits and investigations: *Provided*, That not to exceed \$10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; \$2,129,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

Real property.

SECTION 1. Notwithstanding any other provision of law, the General Services Administration shall pay from funds made available to GSA in the Real Property Relocation account, not to exceed \$8,000,000, for expenses related to the relocation of the U.S. Fish and Wildlife Service regional office authorized and directed by Public Law 101-136.

SEC. 2. The Administrator of the General Services Administration (GSA) is authorized to accept property from the State of Maryland at no cost for the purpose of constructing a computer facility for the Bureau of the Census and to begin preliminary design work on such a facility. GSA and the Office of Management and Budget are directed to submit to the appropriate authorizing and appropriations committees of the Congress an evaluation of need and a prospectus for this project no later than January 31, 1992.

Maryland.

SEC. 3. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 4. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 5. Not to exceed 2 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 6. Funds in the Federal Buildings Fund made available for fiscal year 1992 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

40 USC 490f.

SEC. 7. (a) Notwithstanding any other provision of law, agencies are hereafter authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)) and are to be deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a).

SEC. 8. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplus, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 9. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplus, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. 10. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collection, or other income received during fiscal year 1992 in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement

programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

SEC. 12. The Administrator of General Services shall submit to the Congress no later than September 30, 1992, an inventory of all the real property in Hawaii that is owned or controlled by any agency of the Federal Government, including the United States Department of Defense: *Provided*, That the Administrator of General Services shall submit an interim report no later than June 1, 1992 and shall compile all information including that received from the United States Department of Defense: *Provided further*, That the State of Hawaii shall cooperate to the fullest extent in the preparation of the inventory: *Provided further*, That the inventory shall identify and include: (1) ceded lands—title vested in the then territory of Hawaii, and nonceded territorial lands, title vested in the then territory of Hawaii; (2) ceded lands, title vested in the United States, but controlled and used by the then territory of Hawaii; (3) ceded lands formally set aside by Presidential Executive orders for use by the United States Government; (4) then territorial lands formally set aside by gubernatorial executive orders for use by the United States Government; (5) ceded lands under the control of the then territory of Hawaii, but used by the United States Government under permits and licenses; (6) nonceded lands and private lands acquired and used by the United States Government: *Provided further*, That for each property identified, the inventory shall provide: (1) an explanation of how the land was acquired, including the date of acquisition, the history and the current status of the title, an identification of all current encumbrances and leases, the expiration date of all leases, contracts and other agreements, and a record of the ceded lease fee or any other sums paid for the use of or title to the land; (2) the identity of past and present Federal users of the land, and a description of past and current use specifying which United States Government agency or department of the military has control of the property; (3) the obligations of the controlling United States Government agency or department of the military for the management and maintenance of the land.

Hawaii.

SEC. 13. Notwithstanding any other provision of law, the General Services Administration shall enter into an agreement with the City of Des Moines, Iowa, to pay expenses for one-half of the operation, maintenance and repair of each skywalk bridge spanning city streets or alleys and connecting to the Federal Building at 210 Walnut Street in Des Moines, Iowa after the construction of each such skywalk and each year thereafter.

Iowa.

SEC. 14. The Center and Federal Building located at 255 East Temple Street in Los Angeles, California, is hereby designated as the "Edward R. Roybal Center and Federal Building". Any reference to such building in a law, map, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "Edward R. Roybal Center and Federal Building".

Federal buildings and facilities.

SEC. 15. Notwithstanding any other provision of law, where funds have been made available to the General Services Administration in the real property operations activity of the Federal Buildings Fund in fiscal year 1992, not to exceed \$7,000,000, for expenses related to relocation of a specific agency as authorized by this Act, such agency

is hereby authorized and required to reimburse the General Services Administration for such expenditures in equal amounts over a period of two years, beginning in fiscal year 1993.

Iowa.

SEC. 16. After certification by the City of Des Moines, Iowa (the City), that the YMCA of Greater Des Moines (YMCA) will serve significant educational purposes, including educational requirements of the City, the Secretary of Education (the Secretary) is authorized to consider the YMCA as an educational institution or organization for the purposes of section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. section 484(k)), with respect to use by the YMCA of a portion, to be designated by the City, of the land conveyed to the City by the United States pursuant to section 203(k) on or about November 6, 1972. Upon joint application by the YMCA and the City, the Secretary, acting in accordance with section 203(k) and regulations related thereto, shall promptly consider, and is authorized to approve, a lease by the City to the YMCA of the above property designated by the City, subject to such terms and conditions as the Secretary shall deem necessary to protect or advance the interests of the United States.

California.

SEC. 17. Notwithstanding any other provision of law, funds previously provided under this heading in Public Law 101-136, for a grant to the County of Los Angeles, California, shall be provided directly to the City of Long Beach, California, for construction of a parking facility and the City will assume the role of grantee and all the responsibilities attendant therewith: *Provided*, That the City of Long Beach, California, shall provide to the GSA, without cost, 250 parking spaces for a period of 99 years, in a parking facility to be constructed: *Provided further*, That section 16, GSA General Provisions, Public Law 101-136, is hereby repealed.

103 Stat. 804.

SEC. 18. Notwithstanding any other provisions of this Act the limitation on the real property operations activity of the Federal Buildings Fund of the General Services Administration is \$1,071,372,000.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, \$152,143,000, of which \$5,400,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia

and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses; \$6,303,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed \$2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts for goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences, to be held in several locations throughout the United States in 1992. Goods and services provided in connection with the conference may include, but are not limited to, food and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; \$116,593,000, of which not less than \$600,000 shall be made available for the establishment of Federal health promotion and disease prevention programs for Federal employees; and in addition \$79,757,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs: *Provided further*, That amounts authorized to be transferred from the appropriate trust funds for implementation of the Federal Employees' Retirement System automated recordkeeping system in this or prior Acts, may be transferred at any time the Office of Personnel Management deems appropriate: *Provided further*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1992, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission:

Provided further, That the Director of the Office of Personnel Management may transfer from this appropriation an amount to be determined, but not to exceed \$253,000, to the National Advisory Council on the Public Service as established by Public Law 101-363, and of the funds appropriated to the Office of Personnel Management under this heading in the Treasury, Postal Service and General Government Appropriations Act, 1991, the Director may transfer an amount to be determined, but not to exceed \$84,000, to such Council, notwithstanding any other provision of this Act, to be available for expenditure no later than September 30, 1991.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles: \$4,018,000; and in addition, not to exceed \$5,825,000 for administrative expenses to audit the Office of Personnel Management's insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, \$2,503,535,000, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, \$14,249,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, \$6,078,686,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISION

SECTION 1. The allowances provided to employees at rates set under section 5941 of title 5, United States Code, and Executive Order Numbered 10000 as in effect on the date of the enactment of this Act may not be reduced during the period beginning on the date of the enactment of this Act through December 31, 1995: *Provided*, That no later than March 1, 1995, the Office of Personnel Management shall conduct a study and submit a report to the Congress proposing adjustments to the methodology for calculating allowances which take into account all costs of living in the geographic areas of the affected employees.

5 USC 5941 note.

Reports.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, \$23,361,000, together with not to exceed \$1,850,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$7,789,000.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; \$20,769,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as

authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

26 USC 7443
note.

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; \$32,050,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1992".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Contracts.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

40 USC 490c.

SEC. 505. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be

obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 506. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages, except if the expenditure of such funds, is necessary to comply with a final order of the Federal court system.

SEC. 507. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.

SEC. 508. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. 509. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. 510. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Marana, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. 511. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 512. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 513. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection

Abortion.

Abortion.

with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 514. The provision of section 513 shall not apply where the life of the mother would be endangered if the fetus were carried to term.

SEC. 515. None of the funds appropriated by this Act may be used to solicit bids, lease space, or enter into any contract to close or consolidate executive seminar centers for the Office of Personnel Management.

SEC. 516. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, may acquire, by means of a lease of up to thirty years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.

SEC. 517. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1992.

SEC. 518. (a) Notwithstanding any other provision of law, during fiscal year 1992, the authority to establish higher rates of pay under section 5303 of title 5, United States Code, may—

(1) in addition to positions paid under any of the pay systems referred to in subsection (a) of section 5303 of title 5, United States Code, be exercised with respect to positions paid under any other pay system established by or under Federal statute for positions within the executive branch of the Government; and

(2) in addition to the circumstance described in the first sentence of subsection (a) of section 5303 of title 5, United States Code, be exercised based on—

(A) pay rates for the positions involved being generally less than the rates payable for similar positions held—

(i) by individuals outside the Government; or

(ii) by other individuals within the executive branch of the Government;

(B) the remoteness of the area or location involved;

(C) the undesirability of the working conditions or the nature of the work involved, including exposure to toxic substances or other occupational hazards; or

(D) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subparagraph) may identify.

Nothing in paragraph (2) shall be considered to permit the exercise of any authority based on any of the circumstances under such paragraph without an appropriate finding that such circumstances are significantly handicapping the Government's recruitment or retention efforts.

(b)(1) A rate of pay established during fiscal year 1992 through the exercise of any additional authority under subsection (a) of section 5303 of title 5, United States Code—

(A) shall be subject to revision or adjustment,

(B) shall be subject to reduction or termination (including pay retention), and

(C) shall otherwise be treated, in the manner as generally applies with respect to any rate otherwise established under section 5303 of title 5, United States Code.

(2) The President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subsection) may prescribe any regulations necessary to carry out this subsection.

(c) Any additional authority under this section may, during fiscal year 1992, be exercised only to the extent that amounts otherwise appropriated under this Act for purposes of section 5303 of title 5, United States Code, are available.

SEC. 519. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. 520. The Office of Personnel Management may, during the fiscal year ending September 30, 1992, accept donations of supplies, services, and equipment for the Federal Executive Institute, the Federal Quality Institute, and Executive Seminar Centers for the enhancement of the morale and educational experience of attendees.

SEC. 521. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 522. The United States Secret Service may, during the fiscal year ending September 30, 1992, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 523. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.

SEC. 523A. (a)(1) In the cases of all appropriations accounts within this Act, with the exception of the Committee for Purchase from the Blind and Other Severely Handicapped, salaries and expenses, from which expenses for travel, transportation, and subsistence (including per diem allowances) are paid under chapter 57 of title 5, United States Code, there are hereby prohibited to be obligated under such accounts in fiscal year 1992 a uniform percentage of such amounts, as determined by the President in accordance with the provisions of paragraph (2), as, but for this subsection, would—

(A) be available for obligation in such accounts as of October 1, 1991,

(B) be planned to be obligated for such expenses after such date during fiscal year 1992, and

President.

(C) result in total outlays of \$15,733,000 in fiscal year 1992.

(2) Before making determinations under paragraph (1), the President shall obtain from the Director of the Office of Management and Budget and the Comptroller General of the United States recommendations for determinations with respect to (A) the identification of the accounts affected, (B) the amount in each such account available as of such date for obligation, (C) the amounts planned to be obligated for such expenses after such date in fiscal year 1992, and (D) the uniform percentage by which such amounts need to be reduced in order to comply with paragraph (1).

President.
Reports.

(b) Within 30 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report specifying the determinations of the President under subsection (a).

New Mexico.

SEC. 524. None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

SEC. 525. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 526. None of the funds in this Act may be used to reduce the rank or rate of pay of a career appointee in the SES upon reassignment or transfer.

Nebraska.
Iowa.

SEC. 527. No funds in this Act may be used to award a Federal agency lease in the Omaha, Nebraska—Council Bluffs, Iowa, geographical area, which does not meet the following criteria:

Any Federal agency which leases commercial space in the Omaha, Nebraska—Council Bluffs, Iowa, geographical area, when entering into new leases, shall give preference to space available meeting standard government lease criteria, which is offered at the lowest cost per square foot within the geographical area, provided it also meets the occupying agency's mission requirement.

SEC. 528. The provisions of section 515 shall not apply after October 1, 1991.

SEC. 529. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

West Virginia.

SEC. 530. (a) The Secretary of the Treasury shall implement the plan announced by the Bureau of the Public Debt on March 19, 1991 to consolidate such Bureau's operations in Parkersburg, West Virginia.

(b) The consolidation referred to in subsection (a) shall commence on or before September 30, 1992, and shall be complete by Decem-

ber 31, 1995, in accordance with the plan of the Bureau of the Public Debt.

SEC. 531. (a) None of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington Metropolitan Region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

Government
employees.

(b) Subsection (a) shall not apply with respect to any individual who, on or after the date of enactment of this Act, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington Metropolitan Region.

SEC. 532. None of the funds made available to the United States Customs Service may be used to collect or impose any land border processing fee at ports of entry along the United States-Mexico border.

SEC. 533. Section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended—

(1) in the first sentence by inserting "or at an airport facility used for travel en route to or from such property" after "Public Law 94-524,";

(2) in the fourth sentence by inserting after "\$300,000", "at the one nongovernmental property, and \$70,000 at the airport facility,"; and

(3) by adding at the end thereof the following after "Governments": "Provided further, That the airport facility is wholly or partially located in a municipality or political subdivision of any State where the permanent resident population is 7,000 or less, the airport is located within 25 nautical miles of the designated nongovernmental property, and where the absence of such Federal assistance would place an undue economic burden on the affected State and local governments".

SEC. 534. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of

employees serving abroad in cases of death or life threatening illness of said employee.

Drugs and drug
abuse.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1992 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding any other provision of law, a Federal employing agency shall make the deposit from existing appropriations into the Federal Employees Compensation Account of the Unemployment Trust Fund, as required by section 8509 of title 5, United States Code, not later than thirty days after the Department of Labor has billed the agency for the amount to be deposited.

SEC. 604. Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

31 USC 1343
note.

SEC. 605. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$7,100 except station wagons for which the maximum shall be \$8,100: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 606. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

5 USC 3101 note.

SEC. 607. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act,

who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China protected by Executive Order Number 12711 of April 11, 1990: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 608. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned:

Provided, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 612. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 613. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 614. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1992, or September 30, 1993, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 612 of the Treasury, Postal Service, and General Government Appropriations Act, 1991, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 612; and

(2) during the period consisting of the remainder, if any, of fiscal year 1992, and that portion of fiscal year 1993, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1993, in an amount that exceeds, as a result of a wage survey adjustment,

Government
employees.
Labor.
5 USC 5343 note.

the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1992, under section 5303 of title 5, United States Code.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1991, shall be determined under regulations prescribed by the Office of Personnel Management.

Regulations.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1991, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1991.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisal functions of any offices in the United States Customs Service.

SEC. 618. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

SEC. 619. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each

Reports.
5 USC prec. 3341
note.

fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code, shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 620. No funds appropriated in this or any other Act for fiscal year 1992 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement does not contain the following provisions:

"These restrictions are consistent with and do not supersede conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12356; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling."

SEC. 621. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 622. None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

SEC. 623. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than \$500,000.

SEC. 624. Notwithstanding section 1346 of title 31, United States Code, or section 607 of this Act, funds made available for fiscal year 1992 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 625. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1992, any department, division, bureau, or office participating in the Federal Flexiplace Project may use funds appropriated by this or any other Act to install telephone lines, necessary equipment, and to pay monthly charges, in any private residence or private apartment: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 626. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-deter-

mining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) the Bureau of Intelligence and Research of the Department of State;
- (6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and
- (7) the Director of Central Intelligence.

SEC. 627. Section 4521 of title 5, United States Code, is amended to read as follows:

“SEC. 4521. DEFINITION.—For the purpose of this subchapter, the term ‘law enforcement officer’ means—

“(1) a law enforcement officer within the meaning of section 8331(20) or section 8401(17) and to whom the provisions of chapter 51 apply;

“(2) a member of the United States Secret Service Uniformed Division;

“(3) a member of the United States Park Police;

“(4) a special agent in the Diplomatic Security Service;

“(5) a probation officer (referred to in section 3672 of title 18);

and

“(6) a pretrial services officer (referred to in section 3153 of title 18).”

South Carolina.
Real property.

SEC. 628. (a) Notwithstanding any other provision of law, the Secretary of Education shall convey, without consideration, to the School District of Charleston County, South Carolina, a deed releasing the reversionary interest held by the United States to the property identified in paragraph (b).

(b) All that lot, piece or parcel of land, situated, lying and being on the west side of Chisolm Street, in ward 2, in the city of Charleston, County of Charleston, and State of South Carolina.

Measuring and containing in front on Chisolm Street 100 feet, and the same on the west or back line, and in depth on the northernmost line from east to west 150 feet and ½ inch, and the same on the southernmost line—be all the said dimensions a little more or less.

Butting and bounding to the north on lands now of Anderson Lumber Company, formerly of Mrs. E.C. Rennecker; east on Chisolm Street aforesaid; south on part of the original tract of land owned by the said A.B. Murray and West Point Mills Company, now reserved by the said grantors, and west on another part of the said original tract, formerly belonging to the

said A.B. Murray and West Point Mills Company, and conveyed by them to the United States of America.

The said lot of land hereby conveyed being the northernmost portion of that portion of the Chisolm's Mills Property, reserved by the A.B. Murray and West Point Mills Company after conveyance of the greater part of the said Chisolm's Mills property to the United States of America, by Deeds which are recorded and may be seen in book U-24, page 582 and page 585 in the R.M.C. Office for Charleston County, and all of which is more fully shown and delineated on a plat of the said Chisolm's Mills Property, dated April 23, 1914, and made and certified to by H.D. King, Inspector, United States Light House Department, which said plat is on record in plat book C, page 97, in the R.M.C. Office for Charleston County.

Being the same premises which were conveyed to the United States of America by deed of Andrew B. Murray dated October 23, 1916, and recorded in the Office of the R.M.C. for Charleston County in book U-24, page 587, and by deed of West Point Mill Company, dated November 20, 1916, and recorded in said office in book U-24, page 589.

SEC. 629. NEW COLLEGE OF CALIFORNIA, INC.

Real property.

(a) **RELEASE OF REVERSIONARY INTEREST.**—Notwithstanding any other provision of law, the Secretary of Education shall convey, without consideration, to the New College of California, Inc., a deed releasing the reversionary interest held by the United States to the property described in subsection (b).

(b) **PROPERTY DESCRIPTION.**—For the purpose of subsection (a), the property, sometimes known as 50 Fell Street, is described as: A parcel of land situated in the City and County of San Francisco, State of California, said parcel being described in the Judgment on Declaration of Taking entered 11 March 1946 in Civil Action No. 25791 in the District Court of the United States in and for the Northern District of California, Southern Division, which was filed March 22, 1946, in the Office of the Recorder, City and County of San Francisco, California. Beginning at a point on the northerly line of Fell Street distant therefrom 100 feet easterly from the easterly line of Van Ness Avenue and running thence easterly along said line of Fell Street 109 feet; thence at a right angle northerly 120 feet; thence at a right angle westerly 109 feet; thence at a right angle southerly 120 feet to the Point of Beginning, being a portion of Western Addition, Block No. 69, and known on the assessor's map as Lot 10, Block 814, City and County of San Francisco, California, containing 0.30 acres more or less. Improvements: One L-shaped Spanish-type building containing 27,020 square feet more or less.

SEC. 630. None of the funds appropriated by this or any other Act may be used to relocate the Department of Justice Immigration Judges from Offices located in Phoenix, Arizona, to new quarters in Florence, Arizona without the prior approval of the House and Senate Committees on Appropriations.

SEC. 631. Notwithstanding any other provision of law, the Administrator of the Office of Federal Procurement Policy, for the purpose of clarifying the Federal Acquisition Regulation with respect to the definition of "construction materials" and the identification of "domestic construction materials," shall evaluate emergency life safety systems—such as emergency lighting, fire alarms, audio evacuation systems and the like—which are discrete systems incor-

porated into a public building or work and which are produced as a complete system, as a single and distinct construction material regardless of when or how the individual parts or components of such systems were delivered to the construction site.

28 USC 994 note.

SEC. 632. (1) Pursuant to its authority under section 994 of title 28, United States Code, the Sentencing Commission shall promulgate guidelines, or amend existing or proposed guidelines as follows:

(A) Guideline 2G2.2 to provide a base offense level of not less than 15 and to provide at least a 5 level increase for offenders who have engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

(B) Guideline 2G2.4 to provide that such guideline shall apply only to offense conduct that involves the simple possession of materials proscribed by chapter 110 of title 18, United States Code and guideline 2G2.2 to provide that such guideline shall apply to offense conduct that involves receipt or trafficking (including, but not limited to transportation, distribution, or shipping).

(C) Guideline 2G2.4 to provide a base offense level of not less than 13, and to provide at least a 2 level increase for possessing 10 or more books, magazines, periodicals, films, video tapes or other items containing a visual depiction involving the sexual exploitation of a minor.

(D) Section 2G3.1 to provide a base offense level of not less than 10.

(2)(A) Notwithstanding any other provision of law, the Sentencing Commission shall promulgate the amendments mandated in subsection (1) by November 1, 1991, or within 30 days after enactment, whichever is later. The amendments to the guidelines promulgated under subsection (1) shall take effect November 1, 1991, or 30 days after enactment, and shall supersede any amendment to the contrary contained in the amendments to the sentencing guidelines submitted to the Congress by the Sentencing Commission on or about May 1, 1991.

(B) The provisions of section 944(x) of title 28, United States Code, shall not apply to the promulgation or amendment of guidelines under this section.

SEC. 633. Notwithstanding any other provision of law, each State Public Health Official shall, not later than one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that guidelines issued by the Centers for Disease Control, or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure prone invasive procedures, except for emergency situations when the patient's life or limb is in danger, have been instituted in the State. State guidelines shall apply to health professionals practicing within the State and shall be consistent with Federal law. Compliance with such guidelines shall be the responsibility of the State Public Health Official. Said responsibilities shall include a process for determining what appropriate disciplinary or other actions shall be taken to ensure compliance. If such certification is not provided under this section within the one-year period, the State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided, except that the Secretary may extend the

Effective date.

Inter-
governmental
relations.
AIDS.
Health and
health care.
42 USC 300ee-2
note.

time period for a State, upon application of such State, that additional time is required for instituting said guidelines.

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1992".

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2622:

HOUSE REPORTS: Nos. 102-109 (Comm. on Appropriations) and 102-234 (Comm. of Conference).

SENATE REPORTS: No. 102-95 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 18, considered and passed House.

July 11, 15, 18, considered and passed Senate, amended.

Oct. 3, House agreed to conference report; receded and concurred in certain

Senate amendments, in others with amendments. Senate agreed to

conference report; concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Oct. 28, Presidential statement.

Public Law 102-142
102d Congress

An Act

Oct. 28, 1991
[H.R. 2698]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes.

Agriculture,
Rural
Development,
Food and Drug
Administration,
and Related
Agencies
Appropriations
Act, 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$50,000 for employment under 5 U.S.C. 3109, \$2,282,000: *Provided*, That not to exceed \$8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided*, That the Secretary may transfer salaries and expenses funds sufficient to finance a total of not to exceed 50 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$543,000: *Provided*, That not to exceed \$3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,149,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, \$596,000.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, \$51,203,000, of which \$5,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to the delegation of authority from the Administrator of General Services authorized by 40 U.S.C. 486, \$25,700,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, \$2,038,000: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, \$26,350,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, and Administrative Law Judges and Judicial Officer, \$25,014,000; and in addition, for payment of the USDA share of the National Communications System, \$50,000; making a total of \$25,064,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness

of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, \$1,307,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, \$8,925,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000 may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, \$468,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, \$62,786,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978, as amended, and including a sum not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed \$95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$24,554,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, \$580,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, \$58,720,000; of which \$500,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$82,601,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$2,367,000: *Provided*, That

this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, \$560,000.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901-5908), \$4,500,000.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, \$658,379,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed \$250,000, except for headhouses or greenhouses which shall each be limited to \$1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed \$500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or \$250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land or the construction of facilities as may be necessary for the relocation of the United States Horticultural Crops Research Laboratory at Fresno to Parlier, California, and the relocation of the laboratories at Behoust, France and Rome,

7 USC 2254.

7 USC 2254.

Italy to Montpellier, France, including the sale or exchange at fair market value of existing land and facilities at Fresno, California and Behoust, France; and the use of proceeds from the sale, which shall be deposited in a trust fund in the United States Treasury and which shall remain available until expended, for acquisition of real property and equipment, for construction of replacement facilities, and for relocation costs; and the Agricultural Research Service may lease such existing land and facilities from the purchasers until completion of the replacement facilities; and the foregoing limitations shall not apply to the purchase of land at Weslaco, Texas: *Provided further*, That not to exceed \$190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, \$2,500,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$50,564,000: *Provided*, That facilities to house Bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94-129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities.

22 USC 191 note.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including \$168,785,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); \$18,533,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582-a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); \$27,400,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee University; \$73,979,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as

amended (7 U.S.C. 450i); \$97,500,000, of which \$25,000,000 shall not be available for obligation until September 20, 1992, for competitive research grants, including administrative expenses; \$5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; \$1,168,000 for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); \$400,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; \$475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; \$3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses; \$1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; \$4,000,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; \$6,725,000 for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101-624 (7 U.S.C. 5811), including administrative expenses; \$400,000 for State agricultural weather information systems pursuant to section 1640 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854), and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318); and \$20,795,000 for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which \$8,580,000 shall be for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University, of which not to exceed \$100,000 shall be for employment under 5 U.S.C. 3109; in all, \$430,711,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension and teaching programs of the Department of Agriculture, where not otherwise provided, \$75,270,000.

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents

and State extension directors, \$262,712,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$60,525,000; payments for the urban gardening program under section 3(d) of the Act, \$3,557,000; payments for the pest management program under section 3(d) of the Act, \$8,200,000; payments for the farm safety program under section 3(d) of the Act, \$2,470,000; payments for the pesticide impact assessment program under section 3(d) of the Act, \$3,405,000; grants to upgrade 1890 land-grant college extension facilities as authorized by section 1416 of Public Law 99-198, \$9,508,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$950,000; payments for extension work under section 209(c) of Public Law 93-471, \$1,010,000; payments for a groundwater quality program under section 3(d) of the Act, \$11,375,000; for special grants for financially stressed farmers and dislocated farmers as authorized by Public Law 100-219, \$2,550,000; payments for the Agricultural Telecommunications Program, as authorized by Public Law 100-624 (7 U.S.C. 5926), \$1,221,000; payments for youth-at-risk programs under section 3(d) of the Act, \$10,000,000; payments for a food safety program under section 3(d) of the Act, \$1,500,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 under section 3(d) of the Act, \$2,765,000; payments for Indian reservation agents under section 3(d) of the Act, \$1,500,000; and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee University, \$24,730,000; in all, \$407,978,000, of which not less than \$79,400,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341-349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$11,347,000, of which not less than \$2,300,000 is for Home Economics.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, \$17,715,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$900,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further*, That \$462,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND
INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Cooperative Service, Agricultural Marketing Service and Packers and Stockyards Administration, \$550,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, \$430,939,000, of which \$85,922,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which \$5,000,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That \$500,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That none of these funds shall be used to develop, establish, or operate any user fee program for agricultural quarantine and inspection to prevent the movement of exotic pests and diseases from Hawaii and Puerto Rico as authorized by 31 U.S.C. 9701.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$21,396,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, \$473,512,000: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$20,000 for employment under 5 U.S.C. 3109, \$11,397,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$40,176,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451-457), and for activities relating to the marketing aspects of cooperatives, including economic research

and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), \$5,640,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$15,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That \$99,000 of these funds shall be available for a field office in Hawaii.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$90,000 for employment under 5 U.S.C. 3109, \$56,636,000; of which not less than \$2,313,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$50,735,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the Agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$10,360,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal years 1992 and 1993, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101-624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,250,000.

MISCELLANEOUS TRUST FUNDS

For expenses necessary to recapitalize Dairy Graders, \$1,250,000, and to capitalize the Laboratory Accreditation Program, \$600,000, making a total of \$1,850,000, under the Agricultural Marketing Act of 1946 (7 U.S.C. 1623).

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$12,009,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Office of International Cooperation and Development, Foreign Agricultural Service, and the Commodity Credit Corporation, \$551,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241-273); and laws pertaining to the Commodity Credit Corporation, \$720,451,000; of which \$719,289,000 is hereby

appropriated, and \$573,000 is transferred from the Public Law 480 Program Account in this Act and \$589,000 is transferred from the Commodity Credit Corporation Program Account in this Act: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations: *Provided further*, That funds contained herein shall be available for establishing and maintaining a National Appeals Division provided for under section 426 of the Agricultural Act of 1949.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$5,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard

to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), \$322,870,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, \$260,500,000.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1992, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be \$9,000,000,000 in the President's fiscal year 1992 Budget Request (H. Doc. 102-3)), but not to exceed \$8,450,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

Such funds are appropriated to reimburse the Corporation to restore losses incurred during prior fiscal years. Such losses for fiscal years 1990 and 1991 include \$900,000,000 in connection with carrying out the Export Enhancement Program (EEP), \$200,000,000 in connection with carrying out the Market Promotion Program (MPP), formerly the Targeted Export Assistance Program (TEA), \$300,000,000 in connection with carrying out the Federal Crop Insurance Program, \$445,773,000 in connection with domestic donations, \$281,605,000 in connection with export donations, and \$6,322,622,000 in connection with carrying out the commodity programs.

Notwithstanding the foregoing provisions of this Act, the reimbursement to the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, in fiscal year 1992 shall not exceed \$7,250,000,000.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1992, CCC shall not expend more than \$3,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

Reports.

For necessary expenses of the Office of the General Sales Manager, \$9,071,000, of which \$5,098,000 may be transferred from Commodity Credit Corporation funds, \$2,731,000 may be transferred from the Commodity Credit Corporation Program Account in this Act and \$1,242,000 may be transferred from the Public Law 480 Program Account in this Act. Of these funds, up to \$4,000,000 shall be available only for the purpose of selling surplus agricultural commodities from Commodity Credit Corporation inventory in world trade at competitive prices for the purpose of regaining and retaining our normal share of world markets. The General Sales Manager shall report directly to the Secretary of Agriculture. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, \$563,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$564,129,000, of which not less than \$5,713,000 is for snow survey and water forecasting and not less than \$8,064,000 is for operation and establishment of the plant materials centers: *Provided*, That of the foregoing amounts not less than \$400,000,000 is for personnel compensation and benefits: *Provided further*, That except for \$2,399,000 for

improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$10,000, except for one building to be constructed at a cost not to exceed \$100,000 and eight buildings to be constructed or improved at a cost not to exceed \$50,000 per building and except that alterations or improvements to other existing permanent buildings costing \$5,000 or more may be made in any fiscal year in an amount not to exceed \$2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).

16 USC 590e-2.

The Secretary of Agriculture is authorized to construct buildings and related facilities on federally owned land in Skagit County, Washington, for plant materials purposes: *Provided*, That the total amount of expenditures for the buildings and facilities on the site shall be derived from, and shall not exceed, the amount of money received from the exchange of lands in Skagit County, and Bellingham, Washington.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006-1009), \$13,251,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), \$9,545,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing

works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$205,266,000 (of which \$36,091,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$20,028,000 shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That \$4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$32,516,000: *Provided*, That \$600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), \$25,271,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as

amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q), and sections 1001-1004, 1006-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1504, 1506-1508, and 1510), and including not to exceed \$15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, \$194,435,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than \$3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program \$2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any

manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further*, That not to exceed \$6,750,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.).

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, \$12,446,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), \$18,620,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), \$6,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, \$14,783,000, to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), \$1,611,277,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance: *Provided*, That none of the funds in this Act may be used to enter into new contracts that are in excess of the prevailing local rental rates for an acre of comparable land.

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), \$46,357,000, to remain available until expended: *Provided*, That none of the funds made available by this Act shall be used to enter in excess of 50,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, \$572,000.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: \$1,624,500,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$329,500,000 shall be for unsubsidized guaranteed loans; \$11,330,000 for section 504 housing repair loans; \$16,300,000 for section 514 farm labor housing; \$573,900,000 for section 515 rental housing; \$600,000 for site loans; and \$250,000,000 for credit sales of acquired property: *Provided*, That up to \$35,000,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: low-income housing

section 502 loans, \$287,591,000, of which \$3,723,000 shall be for guaranteed loans; section 504 housing repair loans, \$4,999,000; section 514 farm labor housing, \$9,002,000; section 515 rental housing, \$248,499,000; credit sales of acquired property, \$36,725,000; and site loans, \$9,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$427,111,000.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, \$319,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than \$11,800,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than \$128,158,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than \$5,214,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That \$174,728,000 is available for expiring agreements and for servicing of existing units without agreements: *Provided further*, That agreements entered into or renewed during fiscal year 1992 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated: *Provided further*, That agreements entered into or renewed during fiscal years 1988, 1989, 1990, and 1991 may also be extended beyond five years to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), \$500,000.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans, \$43,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$21,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$555,500,000, of which \$488,750,000 shall be for guaranteed loans; operating loans, \$2,832,140,000, of which \$1,800,000,000 shall be for unsubsidized guaranteed loans and \$182,140,000 shall be for subsidized guaranteed loans; \$7,000,000 for water development, use, and conservation loans, of which \$1,500,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$1,000,000; for emergency insured and guaranteed loans, \$600,000,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property,

\$200,000,000: *Provided*, That loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters of fiscal year 1992.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: Farm ownership loans, \$39,786,000, of which \$24,545,000 shall be for guaranteed loans; operating loans, \$168,277,000, of which \$22,455,000 shall be for unsubsidized guaranteed loans and \$15,350,000 shall be for subsidized guaranteed loans; \$499,000 for water development, use, and conservation loans, of which \$43,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$253,000; for emergency insured and guaranteed loans, \$55,000,000 to meet the needs resulting from natural disasters; for watershed, flood and resource conservation loans, \$2,000; and for credit sales of acquired property, \$59,880,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$230,179,000.

Hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Agricultural Credit Insurance Fund at levels other than those provided for in advance in appropriations Acts.

7 USC 1929-1.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$3,750,000.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661-664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, \$635,000,000, of which \$35,000,000 shall be for guaranteed loans; community facility loans, \$125,000,000, of which \$25,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, \$100,000,000: *Provided*, That none of the funds made available in this Act may be used to make transfers between the above limitations.

For an amount, for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans, as follows: water and sewer facility loans, \$90,510,000, of which \$630,000 shall be for guaranteed loans; community facility loans, \$12,519,000, of which \$508,000 shall be for guaranteed loans; and guaranteed industrial development loans, \$5,870,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$52,286,000.

RURAL DEVELOPMENT LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$16,260,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed \$32,500,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, \$689,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), \$350,000,000, to remain available until expended, pursuant to section 306(d) of the above Act: *Provided*, That these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, \$12,500,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), \$11,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$8,750,000.

SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, \$2,500,000, to remain available until expended.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), \$3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, \$500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), \$23,000,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310B(c) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, \$20,750,000: *Provided*, That

\$500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development: *Provided further*, That \$2,000,000 shall be available for grants to statewide private, nonprofit public television systems in predominantly rural States to provide information and services on rural economics and agriculture: *Provided further*, That, effective for fiscal year 1991 and thereafter, grants made pursuant to this appropriation shall not be subject to any dollar limitation unless such limitation is set forth in law.

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, \$3,000,000: *Provided*, That such assistance shall include regional technical assistance for improvement of solid waste management.

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For emergency community water assistance grants as authorized under section 306B (7 U.S.C. 1926b) of the Consolidated Farm and Rural Development Act, \$10,000,000.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, \$600,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title III-A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, \$748,584,000; of which \$38,298,000 is hereby appropriated, \$427,111,000 shall be derived by transfer from the Rural Housing Insurance Fund Program Account and merged with this account, \$230,179,000 shall be derived by transfer from the Agricultural Credit Insurance Fund Program Account and merged with this account, \$52,286,000 shall be derived by transfer from the Rural Development Insurance Fund Program Account and merged with this account, \$21,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account, and \$689,000 shall be derived by transfer from the Rural Development Loans Program Account and merged with this account: *Provided*, That not to exceed \$500,000 of this appropriation may be used for employment under 5 U.S.C. 3109:

7 USC 1981a
note.

Provided further, That not to exceed \$3,985,000 of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrowers, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than \$622,050,000 nor more than \$933,075,000; and rural telephone loans, not less than \$239,250,000 nor more than \$311,025,000; to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts but during fiscal year 1992 total commitments to guarantee loans pursuant to section 306 shall be not less than \$933,075,000 nor more than \$2,100,615,000 of contingent liability for total loan principal: *Provided further*, That loans may be modified in an amount not to exceed \$493,700,000: *Provided further*, That as a condition of approval of insured electric loans during fiscal 1992, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982: *Provided further*, That no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds: *Provided further*, That no funds appropriated in this Act may be used to implement any other criteria, ratio, or test to deny or reduce loans or loan advances.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, \$157,609,000, and cost of loans guaranteed pursuant to section 306, \$14,152,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$29,163,000.

Hereafter, no funds in this Act or any other Act shall be available to carry out loan programs under the Rural Electrification and Telephone Revolving Fund at levels other than those provided for in advance in appropriations Acts. 7 USC 931a.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1992 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than \$177,045,000 nor more than \$210,540,000.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), \$3,629,000.

In addition, for administrative expenses necessary to carry out the loan programs, \$8,632,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

For necessary expenses to carry into effect the programs authorized in sections 2331-2335 of Public Law 101-624, \$5,000,000, to remain available until expended.

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

For loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$8,406,000.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans, \$2,546,000.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Rural Electrification Administration, \$243,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), and for which commitments were made prior to fiscal year 1992, including not to exceed \$7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of

the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$103,000 for employment under 5 U.S.C. 3109, \$37,795,000; of which \$29,163,000 shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account and \$8,632,000 shall be derived by transfer from the Rural Telephone Bank Program Account: *Provided*, That none of the funds in this Act may be used to authorize the transfer of additional funds to this account from the Rural Telephone Bank: *Provided further*, That not less than \$500,000 nor more than \$1,000,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs to rural electric and telephone systems by Rural Electrification Administration employees who are located within REA and whose full-time responsibilities are to administer such community and economic development programs: *Provided further*, That none of the salaries and expenses provided to the Rural Electrification Administration, and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service and the Human Nutrition Information Service, \$542,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

42 USC 1776a.

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785, and 1788-1789), \$6,068,315,000, to remain available through September 30, 1993, of which \$1,393,223,000 is hereby appropriated and \$4,675,092,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the

42 USC 1776b.

State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to \$4,083,000 shall be available for independent verification of school food service claims: *Provided further*, That \$1,322,000 shall be available to operate the Food Service Management Institute. Claims.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), \$23,011,000, to remain available through September 30, 1993. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary. Claims.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$2,600,000,000, to remain available through September 30, 1993, of which up to \$3,000,000 may be used to carry out the farmer's market coupon demonstration project.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than \$8,000,000 for the projects in Detroit, New Orleans, and Des Moines, \$90,000,000: *Provided*, That funds provided herein shall remain available through September 30, 1993: *Provided further*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2029), \$23,362,975,000; of which \$1,500,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That funds provided herein shall remain available through September 30, 1992, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That \$345,000,000 of the funds provided herein shall be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further*, That \$1,013,000,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028; of which \$10,825,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), \$233,437,000.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, \$32,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, \$45,000,000: *Provided*, That, in accordance with section 202 of Public Law 98-92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, \$120,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$103,535,000; of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C.

2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, and nutrition monitoring, \$10,788,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$125,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$110,023,000: *Provided*, That this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

AMERI FLORA '92 EXPOSITION

To enable the Secretary to meet any extra expenses of participating in the planning, organizing and carrying out of the Ameri Flora '92 Exposition, the first international horticulture and environment exposition to be held in the United States, \$500,000 as authorized by section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended.

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) \$511,619,000 for Public Law 480 title I credit, including Food for Progress credit; (2) \$52,185,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) \$710,087,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) \$333,594,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 10 per centum of the funds made

available to carry out any title of said Act may be used to carry out any other title of said Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, \$388,319,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, \$1,815,000.

COMMODITY CREDIT CORPORATION

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$200,000,000 in credit guarantees under its Export Guarantee Program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 of Public Law 101-624 (7 U.S.C. 5622 note).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans authorized by the Agricultural Trade Act of 1978, as amended, such sums as necessary.

In addition, for administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, \$3,320,000.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and

international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), \$7,247,000: *Provided*, That not to exceed \$3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: *Provided further*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed \$1,062,000: *Provided*, That not to exceed \$25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$725,962,000, of which \$188,858,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the sums provided herein, not to exceed \$2,000,000 shall remain available

until expended, and shall become available only to the extent necessary to meet unanticipated costs of emergency activities not provided for in budget estimates and after maximum absorption of such costs within the remainder of the account has been achieved.

21 USC 348 note.

Section 3 of the Saccharin Study and Labeling Act (21 U.S.C. 348 nt.) is amended by striking out "May 1, 1992" and inserting in lieu thereof "May 1, 1997".

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$8,350,000: *Provided*, That the Food and Drug Administration may accept donated land in Montgomery and/or Prince George's Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, \$25,612,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1992, as authorized, \$112,606,000: *Provided*, That not to exceed \$2,175,000 of the assistance fund shall be available for administrative expenses of the Farm Credit System Assistance Board: *Provided further*, That officers and employees of the Farm Credit System Assistance Board shall be hired, promoted, compensated, and discharged in accordance with title 5, United States Code.

12 USC 2278a-3
note.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C.

3109; \$47,300,000, including not to exceed \$700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON REVOLVING FUND FOR ADMINISTRATIVE EXPENSES

Not to exceed \$40,290,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be available for administrative expenses as authorized under 12 U.S.C. 2249, of which not to exceed \$1,500 shall be available for official reception and representation expenses.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Hereafter, the expenditure of any appropriation for the Department of Agriculture for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Contracts.
Public
information.
7 USC 2225a.

SEC. 702. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1992 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 442 passenger motor vehicles, of which 439 shall be for replacement only, and for the hire of such vehicles.

SEC. 703. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

SEC. 704. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954, and (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

7 USC 1623a.

SEC. 705. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

Drugs and drug
abuse.

SEC. 706. Hereafter, advances of money to chiefs of field parties from any appropriation for the Department of Agriculture may be made by authority of the Secretary of Agriculture.

7 USC 2209a.

SEC. 707. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed \$2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 708. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Public Law 480; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Devel-

7 USC 2209b.

opment; Colorado River Basin Salinity Control Program; Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, Integrated Systems Acquisition Project, the reserve fund for the Grasshopper and Mormon Cricket Control Programs, and buildings and facilities; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; the Federal Crop Insurance Corporation Fund; Agricultural Research Service, buildings and facilities; Cooperative State Research Service, buildings and facilities; Office of International Cooperation and Development, Middle-Income Country Training Program; Dairy Indemnity Program; higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)); capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University; and buildings and facilities, Food and Drug Administration: *Provided*, That, hereafter, such appropriations are authorized to remain available until expended.

SEC. 709. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 710. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 711. Hereafter, notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

SEC. 712. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 713. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

SEC. 714. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 715. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions

Disaster
assistance.
Labor.
7 USC 2224a.

when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 716. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

SEC. 717. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

SEC. 718. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

7 USC 612c note.

SEC. 719. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1991 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 720. In fiscal year 1992, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

SEC. 721. Hereafter, funds appropriated to the Department of Agriculture by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

7 USC 2242b.

SEC. 722. None of the funds appropriated by this Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

SEC. 723. Hereafter, provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

7 USC 2225b.

SEC. 724. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 8,259; Farmers Home Administration, 12,675; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 725. Hereafter, funds appropriated to the Department of Agriculture and the Food and Drug Administration may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

7 USC 2209c.

SEC. 726. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 727. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 728. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

SEC. 729. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 730. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1992 shall be first offered to the borrowers for prepayment.

SEC. 731. None of the funds in this Act, or otherwise made available by this Act, shall be used to regulate the order or sequence of advances of funds to a borrower under any combination of approved telephone loans from the Rural Electrification Administration, the Rural Telephone Bank or the Federal Financing Bank.

SEC. 732. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

7 USC 2209d.

SEC. 733. Hereafter, the Department of Agriculture, when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

SEC. 734. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total direct costs under each award.

SEC. 735. None of the funds in this Act may be used to establish any new office, organization or center for which funds have not been provided in advance in Appropriations Acts, except the Department may carry out planning activities.

SEC. 736. Of the \$200,000,000 made available for the Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, \$70,000,000 shall not become available for obligation until September 30, 1992.

SEC. 737. Funds available to the Animal and Plant Health Inspection Service (APHIS) under this and subsequent appropriations shall be available for contracting with individuals for services to be performed outside of the United States, as determined by APHIS to be necessary or appropriate for carrying out programs and activities abroad. Such individuals shall not be regarded as officers or employees of the United States under any law administered by the Office of Personnel Management. 7 USC 2277.

SEC. 738. Hereafter, notwithstanding any other provision of law, any appropriations or funds available to the agencies of the Department of Agriculture may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Department of Agriculture position and that are necessary to comply with State laws, regulations, and requirements. 7 USC 2231a.

SEC. 739. Hereafter, funds appropriated to the Department of Agriculture may be used for incidental expenses such as transportation, uniforms, lodging, and subsistence for volunteers serving under the authority of 7 U.S.C. 2272, when such volunteers are engaged in the work of the U.S. Department of Agriculture; and for promotional items of nominal value relating to the U.S. Department of Agriculture Volunteer Programs. 7 USC 2272a.

SEC. 740. Hereafter, the Secretary shall complete the sales of Farmers Home Administration inventory farms, in accordance with the law and regulations in effect before November 28, 1990, in situations in which a County Committee, acting pursuant to section 335 of the Consolidated Farm and Rural Development Act, had made its initial selection of a buyer before November 28, 1990. Such sales shall be completed as soon as the selection decision is administratively final and all terms and conditions have been agreed to. In carrying out sales of inventory property, priority shall be given to the former owner and members of the immediate family. 7 USC 1985 note.

SEC. 741. None of the funds appropriated or otherwise made available by this Act shall be used to exclude from coverage under section 2244 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624) any crop of valencia oranges that, regardless of harvest year, was destroyed or damaged by freeze or related condition in 1990 and is otherwise covered by that section.

SEC. 742. Notwithstanding any other provision of law, loan subsidy rates used in carrying out loan programs provided for in this Act shall not exceed those estimated by the Office of Management and Budget and published in the Budget of the United States Government for fiscal year 1992. Loans.

EXTENSIONS OF PROVISIONS OF THE HOUSING ACT OF 1949

SEC. 743. (a) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

(b) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 (42 U.S.C. 1490c(f)) is amended by striking "September 30, 1991" and inserting "September 30, 1992".

Section 502(h)(3)(C) of the Housing Act of 1949 (42 U.S.C. 1472 note) is amended by striking all that follows "rural area" and by inserting a "." "after rural area". 42 USC 1472.

SEC. 744. The Secretary shall ensure that no funds made available to carry out section 515 of the Housing Act of 1949, as amended,

shall be used in a manner that differs from the Department's policies or practices in effect on July 1, 1991.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992".

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2698:

HOUSE REPORTS: Nos. 102-119 (Comm. on Appropriations) and 102-239 (Comm. of Conference).

SENATE REPORTS: No. 102-116 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 26, considered and passed House.

July 29, 30, considered and passed Senate, amended.

Oct. 8, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.

Oct. 16, Senate agreed to conference report; concurred in House amendments.

Public Law 102-143
102d Congress

An Act

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

Oct. 28, 1991
[H.R. 2942]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

Department of
Transportation
and Related
Agencies
Appropriations
Act, 1992.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, \$1,435,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, \$550,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$7,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY AND
INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Policy and International Affairs, \$8,733,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, \$2,726,000, including not to exceed \$40,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, \$2,320,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$30,262,000, of which \$6,323,000 shall remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Public Affairs, \$1,546,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, \$965,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, \$590,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$1,462,000.

OFFICE OF ESSENTIAL AIR SERVICE

For necessary expenses of the Office of Essential Air Service, \$1,545,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, \$3,527,000, of which \$2,600,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided*, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, \$1,300,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, \$3,100,000.

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, \$4,275,000, of which \$1,400,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, there may be credited to

this account up to \$300,000 received from user fees established for regulatory services.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed \$88,000,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, \$38,600,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of \$38,600,000 for the Payments to Air Carriers program in fiscal year 1992: *Provided further*, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport: *Provided further*, That none of the funds in this Act shall be available to increase the service levels to communities receiving service unless the Secretary of Transportation certifies in writing that such increased service levels are estimated to result in self-sufficiency within three years of initiation of the increased level of service.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, \$111,970,000: *Provided*, That of this amount, \$16,225,000 shall be derived from the Highway Trust Fund, \$29,887,000 shall be derived from the Airport and Airway Trust Fund, \$481,000 shall be derived from the Pipeline Safety Fund, and \$16,000 shall be derived from the Harbor Maintenance Trust Fund.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; \$2,320,272,000, of which \$31,876,000 shall be derived from the Oil Spill Liability Trust Fund

14 USC 92 note.

and \$35,000,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and twenty-three, exclusive of planes and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That none of the funds provided in this Act shall be available for the operation, maintenance or manning of land-based and sea-based aerostationary balloons, or E2C aircraft.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, \$390,000,000, of which \$33,822,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$144,150,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1996; \$60,350,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1994; \$48,750,000 shall be available for other equipment, to remain available until September 30, 1994; \$102,750,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1994; and \$34,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1992: *Provided*, That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further*, That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further*, That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further*, That the requirements for such written warranties shall not cover combat damage: *Provided further*, That none of the funds provided herein for Acquisition, Construction and Improvements shall be made available for personnel compensation and benefits in excess of six hundred and twenty-one full time equivalent staff years.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$21,500,000, to remain available until expended.

Regulations.
Contracts.
10 USC 2403
note.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$11,100,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), \$487,700,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; \$25,000,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$29,150,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended, \$35,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation and maintenance of aircraft, reimbursement at the discretion of the Administrator for travel, transportation, and subsistence expenses for the training of non-Federal domestic and foreign personnel whose services will contribute significantly to carrying out air transportation security programs under section 316(c) of the Federal Aviation Act of 1958, as amended, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, \$4,360,000,000, of which \$2,109,625,000 shall be

Contracts.

derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That none of these funds shall be available for new applicants for the second career training program: *Provided further*, That, of the funds available under this head, \$2,000,000 shall be made available for the Federal Aviation Administration to enter into contractual agreement with the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program: *Provided further*, That funds may be used to enter into a grant agreement with a non-profit standard setting organization to assist in the development of aviation safety standards.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, \$2,394,000,000, including \$2,244,052,000 to remain available until September 30, 1994, and including \$149,948,000 to remain available until September 30, 1993: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That with appropriations made for the Airway Science program, as authorized below in this section, the Federal Aviation Administration may hereafter enter into competitive grant agreements with institutions of higher education having airway science curricula, for the Federal share of the allowable direct costs of the following categories of items, to the extent that such items are in support of airway science curricula: (a) the construction, purchase, or lease with option to purchase, of buildings and associated facilities, and (b) instructional materials and equipment. Such funds are hereby authorized to be appropriated and may remain available until expended. The Federal Aviation Administration shall establish guidelines for determining the direct costs allowable under grants to be made pursuant to this section. The maximum Federal share of the allowable cost of any project assisted by such grants shall be 50 percent: *Provided further*, That the \$35,000,000 provided under this head for the precision runway monitor program shall be available

49 USC app.
1354a.

only for the procurement of not less than five commissionable systems of the electronic scan (E-scan) design: *Provided further*, That for each seven-day period following March 31, 1992, that the E-scan precision runway monitor production contract is not signed, the funds made available for facilities and equipment-related personnel compensation and benefits shall be reduced by 1 per centum: *Provided further*, That a stand alone directional finder FAA-5530 receiver indicator system is to be installed at the Salisbury, Maryland airport flight service station within 180 days of enactment of this Act: *Provided further*, That funds appropriated under this heading for this or prior years are available for the Federal Aviation Administration to enter into a sole source procurement with the Regional Airport Authority of Louisville-Jefferson County, Kentucky to design and construct an air traffic control tower at Standiford Field, using current Federal Aviation Administration control tower specifications.

Maryland.

Contracts.
Kentucky.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$218,135,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, \$1,520,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of \$1,900,000,000 in fiscal year 1992 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended, of which not to exceed \$156,564,400 shall be available for letters of intent issued prior to July 31, 1991.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the

Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

49 USC app.
1324 note.

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for the implementation or execution of programs under this head the obligations for which are in excess of \$9,970,000 during fiscal year 1992. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States. For the settlement of promissory notes issued to the Secretary of the Treasury, \$1,200,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due under the terms and conditions of such notes.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed \$419,000,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed \$206,800,000 of the amount provided herein shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

UNIVERSITY TRANSPORTATION CENTERS

(HIGHWAY TRUST FUND)

For necessary expenses for university transportation centers, as authorized by section 21(i)(2) of the Urban Mass Transportation Act

of 1964, as amended, \$5,000,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account).

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, \$20,000,000 to be derived from the Highway Trust Fund: *Provided*, That not to exceed \$350,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$10,000,000 in fiscal year 1992 for "Highway-Related Safety Grants".

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, \$12,005,000, of which \$8,003,333 shall be derived from the Highway Trust Fund.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$16,800,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1992.

23 USC 104 note.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, \$15,400,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS AND LIQUIDATION OF CONTRACT
AUTHORIZATION)

(HIGHWAY TRUST FUND)

During fiscal year 1992 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$42,500,000. For payment of obligations incurred in carrying out the provisions of section 107 of title 23, United States Code, \$40,000,000 to be derived from the Highway Trust Fund and to remain available until expended.

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), \$47,600,000, of which \$3,579,000 shall remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424 \$62,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$65,000,000 for "Motor Carrier Safety Grants".

BALTIMORE-WASHINGTON PARKWAY

(HIGHWAY TRUST FUND)

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 for the Baltimore-Washington Parkway, to remain available until expended, \$19,800,000, to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary.

INTERMODAL URBAN DEMONSTRATION PROJECT

(HIGHWAY TRUST FUND)

For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974, \$9,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

**HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION
PROJECTS****(HIGHWAY TRUST FUND)**

For necessary expenses to carry out construction projects as authorized by Public Law 99-500 and Public Law 99-591, \$19,800,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

For the purpose of carrying out a coordinated project of highway improvements in the vicinity of Pontiac and East Lansing, Michigan, that demonstrates methods of enhancing safety and promoting economic development through widening and resurfacing of highways on the Federal-aid primary system and on roads on the Federal-aid urban system, \$16,350,000, to remain available until expended.

**HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION
PROJECT****(HIGHWAY TRUST FUND)**

For the purpose of carrying out a coordinated project of highway-railroad grade crossing separations in Mineola, New York, that demonstrates methods of enhancing highway-railroad crossing safety while minimizing surrounding environmental effects, as authorized by Public Law 99-500 and Public Law 99-591, \$4,500,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY WIDENING DEMONSTRATION PROJECT

For necessary expenses to carry out a demonstration project to improve U.S. Route 202 in the vicinity of King of Prussia, Pennsylvania, as authorized by Public Law 100-202, \$1,800,000, to remain available until expended.

HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT

For up to 80 percent of the expenses necessary to carry out a highway project between Paintsville and Prestonsburg, Kentucky, that demonstrates the safety and economic benefits of widening and improving highways in mountainous areas, \$7,200,000, to remain available until expended.

CLIMBING LANE AND HIGHWAY SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project on U.S. Route 15 in the vicinity of Tioga County, Pennsylvania, for the purpose of demonstrating methods of improved highway and highway safety construction, \$6,300,000, to remain available until expended.

INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary for an improved route between Logansport and Peru, Indiana, for the purpose of demonstrating the safety and economic benefits of widening and improving rural highways, \$3,600,000, to remain available until expended.

ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT

For 80 percent of the expenses necessary for the construction of a highway bypass project in the vicinity of Jasper, Alabama, for the purpose of demonstrating methods of improved highway and highway safety construction, \$9,000,000, to remain available until expended.

KENTUCKY BRIDGE DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to replace the Glover Cary Bridge in Owensboro, Kentucky, for the purpose of demonstrating methods of improved highway and highway safety construction, \$4,500,000, to remain available until expended.

VIRGINIA HOV SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to construct High Occupancy Vehicle lanes on Interstate Route 66 between U.S. Route 50 and U.S. Route 29 for the purpose of demonstrating methods of increasing highway capacity and safety by the use of highway shoulders to construct HOV lanes, \$5,400,000, to remain available until expended.

URBAN HIGHWAY CORRIDOR AND BICYCLE TRANSPORTATION DEMONSTRATION PROJECTS

For 80 percent of the expenses necessary to improve and upgrade the M-59 urban highway corridor in southeast Michigan for the purpose of demonstrating methods of improving congested urban corridors that have been neglected during construction of the Interstate system, \$9,630,000, to remain available until expended, together with \$900,000, to remain available until expended, to provide for 80 percent of the expenses necessary for a bicycle transportation demonstration project in Macomb County, Michigan.

URBAN AIRPORT ACCESS SAFETY DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to improve and upgrade access to Detroit Metropolitan Airport in southeast Michigan, \$9,000,000, to remain available until expended, for the purpose of demonstrating methods of improving access to major urban airports.

PENNSYLVANIA RECONSTRUCTION DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to upgrade, widen, and reconstruct the sections of Pennsylvania Route 56 known as Haws Pike and the Windber By-Pass, for the purpose of demonstrating methods of promoting economic development and highway safety, \$8,100,000, to remain available until expended.

PENNSYLVANIA TOLL ROAD DEMONSTRATION PROJECT

For necessary expenses for the Monongahela Valley Expressway, \$1,800,000, to remain available until expended: *Provided*, That these funds, together with funds made available from the Highway Trust Fund, for Federal participation in the toll highway project being carried out under section 129(j) of title 23, United States Code, in the State of Pennsylvania shall be subject to section 129(j) of such title, relating to Federal share limitation.

HIGHWAY BYPASS DEMONSTRATION PROJECT

For 80 percent of the expenses necessary to carry out a highway project in the vicinity of Prunedale, California, that demonstrates methods of accelerating right-of-way acquisition and construction of a highway bypass, \$9,000,000, to remain available until expended.

HIGHWAY DEMONSTRATION PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For up to 80 percent of the expenses necessary for certain highway and bicycle transportation projects and parking facilities, including feasibility and environmental studies, that demonstrate methods of improving safety, reducing congestion, or promoting economic development \$249,146,000 together with \$4,628,000 to be derived by transfer from the "Nuclear Waste Transportation Safety Demonstration project", to remain available until expended.

HIGHWAY STUDIES

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For necessary expenses to carry out feasibility, design, environmental, and preliminary engineering studies, \$18,448,000, to remain available until expended.

CORRIDOR G IMPROVEMENT PROGRAM

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor G segment of the Appalachian Highway System, there is hereby appropriated \$148,500,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

CORNING BYPASS SAFETY DEMONSTRATION PROJECT

For the purpose of continuing a demonstration of traffic safety and flow improvement, there is hereby appropriated \$12,600,000, to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

TURQUOISE TRAIL PROJECT

For necessary expenses to carry out a demonstration project known as the Turquoise Trail Project, that demonstrates methods of enhancing safety and promoting economic development through converting a dirt roadway into an all weather, two lane highway, there is hereby appropriated \$2,700,000, to remain available until expended: *Provided*, That such sums appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

OTTUMWA ROAD EXTENSION PROJECT

For the purpose of carrying out a demonstration of economic growth and development benefits of a four lane highway in areas with industry producing heavy traffic, there is hereby appropriated \$7,200,000 to remain available until expended, for the acquisition of rights-of-way, and other costs incurred in the upgrading and construction of a portion of a four lane facility between Prairie City and Ottumwa along existing State highways and new highway alignments: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NORTH CAROLINA CONNECTOR PROJECT

For necessary expenses to carry out site selection, preliminary engineering and design work related to construction of a new four-lane highway at interstate standards from Rocky Mount, North Carolina, to Elizabeth City, North Carolina, including extensions to Raleigh, North Carolina, and Portsmouth, Virginia, there is hereby appropriated \$4,800,000 to remain available until expended: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, \$78,528,000, to remain available until September 30, 1994.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 4, title 23, United States Code, to be derived from the Highway Trust Fund, \$44,172,000, to remain available until September 30, 1994.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 402, 406, and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, \$130,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of \$118,000,000 in fiscal year 1992 for "State and community highway safety grants" authorized under 23 U.S.C. 402: *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of \$20,000,000 for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further*, That not to exceed \$5,153,000 may be available for administering the provisions of 23 U.S.C. 402: *Provided further*, That notwithstanding any other provision of law, none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of \$4,750,000 in fiscal years 1982 through 1992.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$16,442,000, of which \$2,168,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

40 USC 817 note.

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, \$11,500,000, to remain available until expended.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, \$37,706,000, of which \$1,220,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$22,331,000, to remain available until expended: *Provided*, That up to \$500,000 of the funds made available in fiscal year 1991 shall be made available to support, by financial assistance agreement, railroad-highway grade crossing safety programs, including Operation Lifesaver: *Provided further*, That \$150,000 is available until expended to support by financial assistance agreement railroad metallurgical and welding studies at the Oregon Graduate Institute.

Grants.

Of the funds provided under this head, \$2,500,000 is available until expended for grants to specific states to conduct detailed market analysis of potential maglev and/or high speed rail ridership and determine the availability of rights-of-way for maglev and/or high speed rail use: *Provided*, That any such grant shall be matched on a dollar for dollar basis by a State, local, or other non-Federal concern.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, \$205,000,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 601, to remain available until expended, \$506,000,000, of which \$331,000,000 shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which \$175,000,000 shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary

shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1992: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 75 per centum of the short-term avoidable costs of operating such service in the third year of operation: *Provided further*, That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Amtrak sources.

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, \$145,000,000, to remain available until expended: *Provided*, That this amount is available only for the payment of: (1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1992 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries; (2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1992 in excess of its obligations calculated on an experience-rated basis; and (3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1992: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

CONRAIL COMMUTER TRANSITION ASSISTANCE

For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, \$13,600,000, to remain available until expended.

AMTRAK CORRIDOR IMPROVEMENT LOANS

For loans to the Chicago, Missouri and Western Railroad, or its successors, to replace existing jointed rail with continuous welded rail between Joliet and Granite City, Illinois, \$3,500,000: *Provided*, That any loan authorized under this section shall be structured with a maximum 20-year payment at an annual interest rate of 4 per centum: *Provided further*, That the Federal Government shall hold a first and prior purchase money security interest with respect to any materials to be acquired with Federal funds: *Provided further*, That any such loan shall be matched on a dollar for dollar basis by the State of Illinois: *Provided further*, That any such loan shall be made available no later than thirty days after enactment of this Act.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$37,000,000.

RESEARCH, TRAINING, AND HUMAN RESOURCES

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, \$26,000,000, of which \$5,000,000 shall be available to carry out the provisions of section 18(h) of the Urban Mass Transportation Act of 1964, as amended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), \$1,520,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, of the funds provided under this head for formula grants no more than \$802,278,000 may be used for operating assistance under section 9(k)(2) of the Urban Mass Transportation Act of 1964, as amended.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs in excess of \$1,900,000,000 in fiscal year 1992 for grants under the contract authority authorized in section 21 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

DISCRETIONARY GRANTS

None of the funds provided in fiscal year 1992 to carry out the provisions of section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) shall be used for the study, design, engineering, construction or other activities related to the monorail segment of the Houston metro program.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, \$1,500,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, \$160,000,000, to remain available until expended.

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, \$124,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$10,550,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, \$12,000,000, of which \$1,302,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further*, That not less than \$1,900,000 in fees shall be collected under section 106(c)(11) of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 App. U.S.C. 1805(c)(11)) and deposited in the general fund of the Treasury as offsetting receipts.

AVIATION INFORMATION MANAGEMENT

For expenses necessary to discharge the functions of Aviation Information Management, \$2,495,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to \$1,000,000 in funds received from user fees established to support the electronic tariff filing system.

EMERGENCY TRANSPORTATION

For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development, \$927,000, of which \$90,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

RESEARCH AND TECHNOLOGY

For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, \$1,516,000, of which \$702,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.

PROGRAM AND ADMINISTRATIVE SUPPORT

For expenses necessary to discharge the functions of Program and Administrative Support, \$5,428,000, of which \$165,000 shall be derived from the Pipeline Safety Fund: *Provided*, That there may be credited to this appropriation funds received from the States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination: *Provided further*, That no employees other than those compensated under this appropriation shall serve in the Office of the Administrator, the Office of Policy and Programs, the Office of Civil Rights, the Office of Management and Administration, and the Office of the Chief Counsel.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, \$13,553,000, to be derived from the Pipeline Safety Fund, of which \$7,850,000 shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$37,005,000.

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS
COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$2,940,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), \$34,676,000, of which not to exceed \$1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

49 USC 10344
note.

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed \$1,500 for official reception and representation expenses, \$40,923,000: *Provided*, That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such: *Provided further*, That not to exceed \$5,500,000 in fees collected in fiscal year 1992 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1992.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed \$475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed \$11,000 for official reception and representation expenses of the Board; not to exceed \$5,000 for official reception and representation expenses of the Secretary; and not to exceed \$30,000 for official reception and representation expenses of the Administrator, \$49,497,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of non-administrative and capital programs the obligations for which are in excess of \$509,500,000 in fiscal year 1992: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed forty-four passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama) the purchase price of which shall not exceed \$16,500 per vehicle.

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, \$10,250,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed \$170,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, \$51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

20 USC 241 note.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this or any previous or subsequent Act shall be available for the planning or implementation of any change in the current Federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center: *Provided*, That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: *Provided*, That any such planning does not alter the Federal status of the Center's research and development operation.

Contracts.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Inter-
governmental
relations.
23 USC 104 note.

SEC. 310. (a) For fiscal year 1992 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1991, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection: *Provided*, That this subsection shall not apply to funds obligated for the Kennedy Expressway rehabilitation project in Chicago, Illinois.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1992, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the strategic highway research program, the intelligent vehicle-highway systems program, the strategic highway research program and amounts

made available under sections 149(d), 158, 159, 164, 165, and 167 of Public Law 100-17.

(d) The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1992 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; obligations under section 157 of title 23, United States Code; projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, or section 320 of title 23, United States Code; projects authorized by Public Law 99-500, Public Law 99-591 and Public Law 100-202; or projects covered under subsections 149 (b) and (c) of Public Law 100-17.

(e) Subject to paragraph (c)(2) of this General Provision, a State which after August 1 and on or before September 30 of fiscal year 1992 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this General Provision may obligate for Federal-aid highways and highway safety construction on or before September 30, 1992, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1992, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in fiscal year 1992 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1992, has the amount distributed to such State under paragraph (a) for fiscal year 1992 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and twenty political and Presidential appointees in the Department of Transportation.

SEC. 312. Not to exceed \$800,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the Discretionary Grants program of the Urban Mass Transportation Administration shall not apply to any authority under sections 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of, or any

49 USC app.
1617 note.

other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

Federal
Register,
publication.

SEC. 316. Every 30 days, the Urban Mass Transportation Administration shall publish in the Federal Register an announcement of each grant obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended, including the grant number, the grant amount, and the transit property receiving each grant.

SEC. 317. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for studies, reports, training, salaries, or research, and related costs thereof including necessary capital expenses, including site acquisition, construction and equipment, are available for such purposes to be conducted through contracts, grants, or financial assistance agreements with the educational institutions that are specified in such Acts or in any report accompanying such Acts.

Florida.

SEC. 318. The Secretary of Transportation shall permit the obligation of not to exceed \$4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

SEC. 319. ESSENTIAL AIR SERVICE COMPENSATION.—Notwithstanding any other provision of law, the Secretary of Transportation shall make payment of compensation under subsection 419 of the Federal Aviation Act of 1958, as amended, only to the extent and in the manner provided in appropriations Acts, at times and in a manner determined by the Secretary to be appropriate, and claims for such compensation shall not arise except in accordance with this provision.

49 USC app.
2212 note.

SEC. 320. The authority conferred by section 513(d) of the Airport and Airway Improvement Act of 1982, as amended, to issue letters of intent shall remain in effect subsequent to September 30, 1992. Letters of intent may be issued under such subsection to applicants determined to be qualified under such Act: *Provided*, That, notwithstanding any other provision of law, all such letters of intent in excess of \$10,000,000 shall be submitted for approval to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 321. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 5 per centum by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 322. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 323. VESSEL TRAFFIC SAFETY FAIRWAY.—None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than

five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 324. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

49 USC app.
2205 note.

SEC. 325. Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by February 14, 1992, enter into a full funding grant agreement with the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) for the construction of the locally preferred alternative for the Westside Light Rail Project, including systems related costs, as defined in Public Law 101-516. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit Center in the city of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District of Oregon to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon and S.W. 185th Avenue.

Contracts.
Grants.
Oregon.

SEC. 326. NATIONAL WEATHER GRAPHICS SYSTEM.—None of the funds made available in this Act may be used by the Federal Aviation Administration for a new National Weather Graphics System.

SEC. 327. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of \$10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than \$10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 328. From funds appropriated to the Department of Transportation or made available by this Act or any other Act, the Secretary of Transportation shall, notwithstanding any other provision of this Act or any other Act, make available not to exceed \$2,000,000 for the planning of a multimodal transportation center in St. Louis, Missouri.

Missouri.

SEC. 329. None of the funds in this Act shall be available to close the Federal Aviation Administration's airport facilities equipment

office in Little Rock, Arkansas, or to transfer or reduce personnel therefrom.

Contracts.
Massachusetts.

SEC. 330. SOUTH BOSTON PIERS TRANSITWAY.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration—

(a) issue a letter of no prejudice, effective as of or retroactive to October 1, 1991, for preliminary engineering and final design, and enter into a full funding agreement, including system related costs, by June 1, 1992, for the portion of the South Boston Piers Transitway Project between South Station and the portal at D Street in South Boston, Massachusetts. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension of the Transitway from South Station to Boylston Station; and

(b) issue a letter of intent by September 30, 1992, for the extension of the Transitway from South Station to Boylston Station.

Reports.

SEC. 331. None of the funds provided in this Act for Coast Guard Acquisition, Construction and Improvements shall be available for any quarter of any fiscal year beginning after December 31, 1991, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy: *Provided*, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisitions project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction and improvements account be fully funded.

23 USC 154 note.

SEC. 332. NATIONAL 55 MPH SPEED LIMIT ENFORCEMENT PENALTIES.—Notwithstanding sections 141(a) and 154 of title 23, United States Code, none of the funds in this or any previous or subsequent Act shall be used for the purpose of reducing or reserving any portion of a State's apportionment of Federal-aid highway funds as required by section 154(f) of title 23, United States Code, for reason of noncompliance with the criteria of that subsection during fiscal year 1990. The Secretary shall promptly restore any apportionments which, prior to enactment of this Act, were reduced or reserved from obligation for reason of noncompliance under section 154(f) during said fiscal year.

Inter-
governmental
relations.

SEC. 333. REVOCATION OR SUSPENSION OF DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

“§ 159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses

“(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

“(1) AFTER SECOND CALENDAR YEAR.—For each fiscal year the Secretary shall withhold 5 percent of the amount required to be

apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the second calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on such date.

“(2) AFTER FOURTH CALENDAR YEAR.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the fourth calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

“(3) REQUIREMENTS.—A State meets the requirements of this paragraph if—

“(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

“(i) the revocation, or suspension for at least 6 months, of the driver’s license of any individual who is convicted, after the enactment of such law, of—

“(I) any violation of the Controlled Substances Act, or

“(II) any drug offense; and

“(ii) a delay in the issuance or reinstatement of a driver’s license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver’s license if the individual does not have a driver’s license, or the driver’s license of the individual is suspended, at the time the individual is so convicted; or

“(B) the Governor of the State—

“(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State’s legislature which begins after the effective date of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to the revocation, suspension, issuance, or reinstatement of drivers’ licenses to convicted drug offenders; and

“(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

“(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NON-COMPLIANCE.—

“(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

“(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1995.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

“(i) If such funds would have been apportioned under section 104(b)(5)(A) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

“(ii) If such funds would have been apportioned under section 104(b)(5)(B) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

“(iii) If such funds would have been apportioned under paragraph (1), (2), or (6) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

“(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1995.—No funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

“(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

“(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

“(A) Funds which would have been originally apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

“(B) Funds which would have been originally apportioned under paragraph (1), (2), (5)(B), or (6) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

“(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

“(c) DEFINITIONS.—For purposes of this section—

“(1) DRIVER'S LICENSE.—The term ‘driver's license’ means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

“(2) DRUG OFFENSE.—The term ‘drug offense’ means any criminal offense which proscribes—

“(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any sub-

stance the possession of which is prohibited under the Controlled Substances Act; or

“(B) the operation of a motor vehicle under the influence of such a substance.

“(3) CONVICTED.—The term ‘convicted’ includes adjudicated under juvenile proceedings.”.

(b) CONFORMING AMENDMENT TO CHAPTER ANALYSIS.—The analysis for chapter 1 of such title is amended by striking the item relating to section 159 and inserting the following:

23 USC prec.
101.

“159. Revocation or suspension of drivers’ licenses of individuals convicted of drug offenses.”.

(c) REPEAL OF FORMER PROVISION.—Section 333 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2184–2186) is repealed.

23 USC 104 and
note.

(d) TREATMENT OF AMENDMENTS MADE BY FORMER PROVISION.—The amendments made by section 333 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (104 Stat. 2184–2186) shall be treated as having not been enacted into law.

23 USC 104 note.

(e) EFFECTIVE DATE.—The amendments made by subsection (a) of this section shall take effect November 5, 1990.

23 USC 159 note.

SEC. 334. Notwithstanding section 512 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211), the Secretary of Transportation shall increase the grant AIP3-19-0004-7 by up to \$141,713.

SEC. 335. Notwithstanding any other provision of law, payments to the City of Atlantic City relating to the transfer of Atlantic City International Airport shall not be considered airport revenues for the purposes of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2201, et seq.).

SEC. 336. Section 104(c)(3) of the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. 2104(c)(3)) is amended by deleting the word “public” before the word “building”.

49 USC app.
2104.

SEC. 337. None of the funds contained herein may be used to enforce the series of Airworthiness Directives, commencing with the notice issued on November 28, 1987, regarding cargo fire detection and control in aircraft that (1) are operated solely within the State of Alaska, and (2) operate in a configuration with a passenger and cargo compartment on the main deck, until a thorough safety analysis and an economic impact statement have been completed by the Federal Aviation Administration, and have been submitted to and reviewed by the Committees on Appropriations of the Senate and House of Representatives. However, if the Secretary certifies that clear and convincing evidence exists that such rules should be implemented on an emergency basis to prevent a clear and present threat to passenger safety, such rules may be implemented on a temporary basis pending the outcome of the safety analysis and economic impact statement.

SEC. 338. The Secretary of Transportation shall be authorized to enter into a sole source contract with the Puerto Rico Ports Authority for purposes of constructing an air traffic control tower at Luis Munoz Marin Airport with fiscal year 1991 and fiscal year 1992 appropriations provided under this section: *Provided*, That the Puerto Rico Ports Authority shall procure such construction services consistent with Department of Transportation acquisition

Contracts.
Puerto Rico.

regulations, part 1201 et seq., chapter 48 of the Code of Federal Regulations.

SEC. 339. Notwithstanding any other provision of law, the Niagara Frontier Transportation Authority may provide transportation services in support of the 1993 World University Games.

New York.

SEC. 340. Notwithstanding any other provision of law, of the amounts available to New York State under section 3 of the Urban Mass Transportation Act of 1964, as amended, such sums as may be necessary shall be made available to the Secretary for the purpose of conducting a study of the feasibility and cost of adding air conditioning to Pennsylvania Station in New York City.

District of Columbia.

SEC. 341. Notwithstanding any other provision of law, of the discretionary funds available to the District of Columbia under the Interstate Transfer Grants-Highway Program of the Federal-Aid Highways account of this Act, \$5,000,000 in contract authority and in liquidation of contract authority shall be transferred to the Federal Railroad Administration, which shall make such funds available to Amtrak for the Union Station Parking Project in the District of Columbia.

Federal Register, publication.

SEC. 342. The Secretary of Transportation shall publish by January 15, 1992, a notice of proposed rulemaking with regard to amending the Federal Motor Carrier Safety regulations to prohibit the use of radar detectors in operating commercial motor vehicles. Such notice shall solicit testimony regarding the safety, economic, and operational aspects of prohibiting radar detectors in commercial operations.

49 USC 10903 note.

SEC. 343. Section 402 of Public Law 97-102 is amended by inserting immediately before the colon a comma and the following: "except that exempt abandonments and discontinuances that are effectuated pursuant to section 1152.50 of title 49 of the Code of Federal Regulations after the date of enactment of the Department of Transportation and Related Agencies Appropriations Act, 1992, shall not apply toward such 350-mile limit".

SEC. 344. Notwithstanding any other provision of law, the Federal Aviation Administration may use funds from both the facilities and equipment program and the airport improvement formula grant funds to fund the relocation of an ASR-9 radar facility at Nashville International Airport: *Provided*, That Nashville International Airport may use airport improvement formula grant funds to purchase a VORTAC system for the airport.

New York. Connecticut.

SEC. 345. (a) The Administrator of the Federal Aviation Administration shall conduct an aircraft noise mitigation review, to include that airspace over the States of New York and Connecticut lying within a fifty-five nautical mile radius of LaGuardia Airport:

(1) By November 1, 1991, a plan shall be developed by the Administrator to carry out the aircraft noise mitigation review required by this section.

(2) By January 1, 1992, at least 6 public meetings shall be held, with 3 such meetings to be held in each of the States of New York and Connecticut within the study area.

(3) By May 31, 1992, the Administrator shall identify those actions that would be needed to implement air traffic changes that are determined by the Administrator to be appropriate to reduce the effects of aircraft noise within the study area, and to be consistent with the safe and efficient management of air traffic, as provided in the Federal Aviation Act of 1958, as amended, and shall include those identified actions in the

Report to Congress required pursuant to section 9119(c) of Public Law 101-508.

(b) There is hereby established the Metropolitan New York Aircraft Noise Mitigation Committee to review aircraft noise complaints within the study area and advise the Administrator of the locations and boundaries of noise impact areas defined by such complaints. The Committee shall consist of nine members, with three members each from the States of Connecticut, New York, and New Jersey, such members to be appointed by the Governor of each State. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in the study area, and shall make recommendations to the Administrator regarding the organizations. These recommendations shall be submitted to the Administrator in accordance with the schedule he establishes in the plan required under subsection (a)(1).

Establishment.

(c) This section shall not apply to the Federal Aviation Administration's field testing and evaluation of any new noise abatement departure procedures for Runway Thirteen at LaGuardia Airport. Implementation of new procedures, if appropriate, shall be in accordance with all applicable Federal requirements.

SEC. 346. Not later than 180 days after the date of the enactment of this legislation, the Administrator shall issue regulations as may be necessary to carry out section 316(g) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1357), as amended. The processing of criminal history record checks contained in section 316(g) shall begin not later than 60 days after the issuance of the final regulations.

Regulations.
49 USC app.
1357 note.

SEC. 347. None of the funds provided, or otherwise made available, by this Act shall be used by the Secretary of Transportation or the Federal Aviation Administration to consolidate flight service stations (including changes in flight service station operations such as permanent reductions in staff, hours of operation, airspace, and airport jurisdictions and the disconnection of telephone lines), until after the expiration of the 9-month period following the date of the submission to Congress of the Auxiliary Flight Service Station plan required under section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101-516; 104 Stat. 2184). This section shall not apply to flight service stations in Laramie, Rawlins, and Rock Springs, Wyoming.

SEC. 348. The Secretary shall advance emergency relief funds to the State of Washington for the replacement of a bridge on the interstate system damaged by November 1990 storms notwithstanding the provisions of section 125 of title 23, United States Code: *Provided*, That this provision shall be subject to the Federal Share provisions of section 120, title 23, of the United States Code. The State of Washington shall repay such advances to the extent that a final court judgment declares that damage to such bridges was a result of human error.

Washington.

SEC. 349. (a) Section 9308(d) of Public Law 101-508 is amended by striking the word "This" at the beginning of the first sentence thereof and inserting in lieu thereof the following: "Except for Hawaiian operations described in and provided for in subsection (i), this".

49 USC app.
2157.

(b) Section 9308 of Public Law 101-508 is amended by adding a new subsection (i), to read as follows:

"(i) HAWAIIAN OPERATIONS.—

“(1)(A) An air carrier or foreign air carrier may not operate within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous States a greater number of Stage 2 aircraft having a maximum weight of more than 75,000 pounds than it operated within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous States on November 5, 1990.

“(B) An air carrier that provided turnaround service within the State of Hawaii on November 5, 1990, using Stage 2 aircraft having a maximum weight of more than 75,000 pounds may include within the number of aircraft authorized under subparagraph (A) all such aircraft owned or leased by that carrier on such date, whether or not such aircraft were then operated by that carrier.

“(2) An air carrier may not provide turnaround service within the State of Hawaii using Stage 2 aircraft having a maximum weight of more than 75,000 pounds unless that carrier provided such service on November 5, 1990.

“(3) For the purpose of this subsection, ‘turnaround service’ means the operation of a flight between two or more points, all of which are within the State of Hawaii.”

SEC. 350. Unobligated funds in the amount of \$170,000 authorized and appropriated under Public Law 101-516 for a highway grade crossing demonstration project in White River Junction, Vermont shall be made available to the State of Vermont Agency of Transportation without regard to whether or not such expenses are incurred in accordance with section 106 of title 23 of the United States Code.

SEC. 351. (a) Notwithstanding any other law, the Secretary of Transportation shall construe all references in this Act to title 23, the Urban Mass Transportation Assistance Act of 1964 as amended, and the Federal-Aid Highway Acts in a manner which continues to apply such references to the appropriate programs as may be authorized by a subsequent surface transportation assistance Act.

(b) Section 329(a) of the Department of Transportation and Related Agencies Appropriations Act, 1988, Public Law 100-102, is amended by striking “and 1991” and inserting “1991, and 1992”.

SEC. 352. TELECOMMUTING STUDY.—The Secretary, in consultation with the Secretary of Energy, shall conduct a study of the potential costs and benefits to the energy and transportation sectors of telecommuting. The study shall include—

(1) an estimation of the amount and type of reduction of commuting by form of transportation type and numbers of commuters;

(2) an estimation of the potential number of lives saved;

(3) an estimation of the reduction in environmental pollution, in consultation with the Environmental Protection Agency;

(4) an estimation of the amount and type of reduction of energy use and savings by form of transportation type; and

(5) an estimation of the social impact of widespread use of telecommuting.

(b) This study shall be completed no more than one hundred and eighty days after the date of enactment of this Act. A report, summarizing the results of the study, shall be transmitted to the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate no more than sixty days after completion of this study.

23 USC 154 note.

Reports.

SEC. 353. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code, until June 30, 1992.

SEC. 354. (a) In light of recent positive changes in the Union of Soviet Socialist Republics, Congress finds that the Secretary of Defense and the Commandant of the Coast Guard should reexamine policies of the United States regarding the restricted use of certain ports of entry by ships, and crew members thereof, of the Union of Soviet Socialist Republics, including commercial cargo, passenger, fishing and fisheries support vessels. The Secretary of Defense and the Commandant of the Coast Guard shall jointly report back to Congress within 30 days following the date of the enactment of this Act regarding their examination of such policies, together with their recommendations.

Reports.

(b) For purposes of this section, the term "ships" means ships owned by, under the flag of, or operated by crew members of, the Union of Soviet Socialist Republics.

SEC. 355. For purposes of the Act of June 30, 1982 (96 Stat. 150), giving the consent of Congress to a compact relating to the establishment of a commission to study the feasibility of rapid rail transit service between certain States; the Congress authorizes the parties to such compact to change the name of such compact, including the name or names of any commission or other entity thereunder.

TITLE IV—AGING AIRCRAFT SAFETY

SEC. 401. SHORT TITLE.

This title may be cited as the "Aging Aircraft Safety Act of 1991".

Aging Aircraft
Safety Act of
1991.
49 USC app.
1421 note.

SEC. 402. AGING AIRCRAFT RULEMAKING PROCEEDING.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this title, the Administrator shall initiate a rule-making proceeding for the purpose of issuing a rule to assure the continuing airworthiness of aging aircraft.

(b) INSPECTIONS AND RECORD REVIEWS.—

(1) GENERAL REQUIREMENT.—The rule issued pursuant to this section shall, at a minimum, require the Administrator to make such inspections, and conduct such reviews of maintenance and other records, of each aircraft used by an air carrier to provide air transportation as may be necessary to enable the Administrator to determine that such aircraft is in safe condition and is properly maintained for operation in air transportation.

(2) PART OF HEAVY MAINTENANCE CHECKS.—The inspections and reviews required under paragraph (1) shall be carried out as part of each heavy maintenance check of the aircraft conducted on or after the first day of the 15th year in which the aircraft is in service.

(3) APPLICABILITY OF FEDERAL AVIATION ACT.—The inspections required under paragraph (1) shall be conducted as provided in section 601(a)(3)(C) of the Federal Aviation Act of 1958.

(c) DEMONSTRATION OF STRUCTURAL AND PARTS MAINTENANCE.—The rule issued pursuant to this section shall, at a minimum, require the air carrier to demonstrate to the Administrator, as part of the inspection required by the rule, that maintenance of the

aircraft's structure, skin, and other age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of safety.

(d) **PROCEDURES.**—The rule issued pursuant to this section shall establish procedures to be followed in carrying out the inspections required by the rule.

(e) **AVAILABILITY OF AIRCRAFT.**—The rule issued pursuant to this section shall require the air carrier to make available to the Administrator the aircraft and such inspection, maintenance, and other records pertaining to the aircraft as the Administrator may require for carrying out reviews required by the rule.

SEC. 403. AIRCRAFT MAINTENANCE SAFETY PROGRAMS.

Not later than 180 days after the date of the enactment of this title, the Administrator shall establish—

(1) a program to verify that air carriers are maintaining their aircraft in accordance with maintenance programs approved by the Federal Aviation Administration;

(2) a program—

(A) to provide inspectors and engineers of the Federal Aviation Administration with training necessary for conducting auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of such inspectors and engineers in such inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to assure the airworthiness of aircraft operated by such carriers.

SEC. 404. FOREIGN AIR TRANSPORTATION.

(a) **GENERAL RULE.**—The Administrator shall take all possible steps to encourage foreign governments and relevant international organizations to develop standards and requirements for inspections and reviews which will ensure the continuing airworthiness of aging aircraft used by foreign air carriers to provide foreign air transportation to and from the United States and which will afford passengers of such foreign air carriers the same level of safety as will be afforded passengers of air carriers by implementation of this title.

(b) **REPORT.**—Not later than the last day of the second fiscal year beginning after the date of the enactment of this title, the Administrator shall report to Congress on implementation of this section.

SEC. 405. ADMINISTRATOR DEFINED.

As used in this title, the term “Administrator” means the Administrator of the Federal Aviation Administration.

TITLE V—OMNIBUS TRANSPORTATION EMPLOYEE TESTING

SHORT TITLE

SEC. 1. This title may be cited as the “Omnibus Transportation Employee Testing Act of 1991”.

FINDINGS

SEC. 2. The Congress finds that—

(1) alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation;

Omnibus
Transportation
Employee
Testing Act of
1991.
Drugs and drug
abuse.
Safety.
49 USC app.
1301 note.
49 USC app.
1434 note.

(2) millions of the Nation's citizens utilize transportation by aircraft, railroads, trucks, and buses, and depend on the operators of aircraft, trains, trucks, and buses to perform in a safe and responsible manner;

(3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the operation of aircraft, trains, trucks, and buses;

(4) the use of alcohol and illegal drugs has been demonstrated to affect significantly the performance of individuals, and has been proven to have been a critical factor in transportation accidents;

(5) the testing of uniformed personnel of the Armed Forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

TESTING TO ENHANCE AVIATION SAFETY

SEC. 3. (a) Title VI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1421 et seq.) is amended by adding at the end thereof the following:

"SEC. 614. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

49 USC app.
1434.

"(a) TESTING PROGRAM.—

"(1) PROGRAM FOR EMPLOYEES OF CARRIERS.—The Administrator shall, in the interest of aviation safety, prescribe regulations within 12 months after the date of enactment of this section. Such regulations shall establish a program which requires air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as determined by the Administrator) for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation.

Regulations.

"(2) PROGRAM FOR FAA EMPLOYEES.—The Administrator shall establish a program applicable to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions. Such program shall provide for preemployment, reasonable suspicion, random, and post-accident testing for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Administrator may

also prescribe regulations, as the Administrator considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation.

“(3) **SUSPENSION; REVOCATION; DISQUALIFICATION; DISMISSAL.**—In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension or revocation of any certificate issued to such an individual, or the disqualification or dismissal of any such individual, in accordance with the provisions of this section, in any instance where a test conducted and confirmed under this section indicates that such individual has used, in violation of law or Federal regulation, alcohol or a controlled substance.

“(b) **PROHIBITION ON SERVICE.**—

“(1) **PROHIBITED ACT.**—It is unlawful for a person to use, in violation of law or Federal regulation, alcohol or a controlled substance after the date of enactment of this section and serve as an airman, crewmember, airport security screening contract personnel, air carrier employee responsible for safety-sensitive functions (as determined by the Administrator), or employee of the Federal Aviation Administration with responsibility for safety-sensitive functions.

“(2) **EFFECT OF REHABILITATION.**—No individual who is determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance after the date of enactment of this section shall serve as an airman, crewmember, airport security screening contract personnel, air carrier employee responsible for safety-sensitive functions (as determined by the Administrator), or employee of the Federal Aviation Administration with responsibility for safety-sensitive functions unless such individual has completed a program of rehabilitation described in subsection (c) of this section.

“(3) **PERFORMANCE OF PRIOR DUTIES PROHIBITED.**—Any such individual determined by the Administrator to have used, in violation of law or Federal regulation, alcohol or a controlled substance after the date of enactment of this section who—

“(A) engaged in such use while on duty;

“(B) prior to such use had undertaken or completed a rehabilitation program described in subsection (c);

“(C) following such determination refuses to undertake such a rehabilitation program; or

“(D) following such determination fails to complete such a rehabilitation program,

shall not be permitted to perform the duties relating to air transportation which such individual performed prior to the date of such determination.

“(c) **PROGRAM FOR REHABILITATION.**—

“(1) **PROGRAM FOR EMPLOYEES OF CARRIERS.**—The Administrator shall prescribe regulations setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of employees referred to in subsection (a)(1) in need of assistance in resolving problems with the use, in violation of law or Federal regulation, of alcohol or controlled substances. Each air carrier and foreign air carrier is encouraged to make such a program available to all of its employees in addition to those employees referred to in

Regulations.

subsection (a)(1). The Administrator shall determine the circumstances under which such employees shall be required to participate in such a program. Nothing in this subsection shall preclude any air carrier or foreign air carrier from establishing a program under this subsection in cooperation with any other air carrier or foreign air carrier.

“(2) PROGRAM FOR FAA EMPLOYEES.—The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

“(d) PROCEDURES FOR TESTING.—In establishing the program required under subsection (a), the Administrator shall develop requirements which shall—

“(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

“(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

“(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

“(B) establish the minimum list of controlled substances for which individuals may be tested; and

“(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

“(3) require that all laboratories involved in the controlled substances testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

“(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

“(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the confirmation test;

“(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including

urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

“(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

“(8) ensure that employees are selected for tests by non-discriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

“(e) EFFECT ON OTHER LAWS AND REGULATIONS.—

“(1) STATE AND LOCAL LAW AND REGULATIONS.—No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations promulgated under this section, except that the regulations promulgated under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to employees of an air carrier or foreign air carrier, or to the general public.

“(2) OTHER REGULATIONS ISSUED BY ADMINISTRATOR.—Nothing in this section shall be construed to restrict the discretion of the Administrator to continue in force, amend, or further supplement any regulations issued before the date of enactment of this section that govern the use of alcohol and controlled substances by airmen, crewmembers, airport security screening contract personnel, air carrier employees responsible for safety-sensitive functions (as determined by the Administrator), or employees of the Federal Aviation Administration with responsibility for safety-sensitive functions.

“(3) INTERNATIONAL OBLIGATIONS.—In prescribing regulations under this section, the Administrator shall only establish requirements applicable to foreign air carriers that are consistent with the international obligations of the United States, and the Administrator shall take into consideration any applicable laws and regulations of foreign countries. The Secretary of State and the Secretary of Transportation, jointly, shall call on the member countries of the International Civil Aviation Organization to strengthen and enforce existing standards to prohibit the use, in violation of law or Federal regulation, of alcohol or a controlled substance by crew members in international civil aviation.

“(f) DEFINITION.—For the purposes of this section, the term ‘controlled substance’ means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Administrator.”

(b) That portion of the table of contents of the Federal Aviation Act of 1958 relating to title VI is amended by adding at the end thereof the following:

“Sec. 614. Alcohol and controlled substances testing.

“(a) Testing program.

“(b) Prohibition on service.

“(c) Program for rehabilitation.

“(d) Procedures.

“(e) Effect on other laws and regulations.

“(f) Definition.”.

TESTING TO ENHANCE RAILROAD SAFETY

SEC. 4. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end thereof the following:

“(r)(1) In the interest of safety, the Secretary shall, within twelve months after the date of enactment of this subsection, issue rules, regulations, standards, and orders relating to alcohol and drug use in railroad operations. Such regulations shall establish a program which—

Regulations.

“(A) requires railroads to conduct preemployment, reasonable suspicion, random, and post-accident testing of all railroad employees responsible for safety-sensitive functions (as determined by the Secretary) for use, in violation of law or Federal regulation, of alcohol or a controlled substance;

“(B) requires, as the Secretary considers appropriate, disqualification for an established period of time or dismissal of any employee determined to have used or to have been impaired by alcohol while on duty; and

“(C) requires, as the Secretary considers appropriate, disqualification for an established period of time or dismissal of any employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law and any rules, regulations, standards, or orders issued under this title.

The Secretary may also issue rules, regulations, standards, and orders, as the Secretary considers appropriate in the interest of safety, requiring railroads to conduct periodic recurring testing of railroad employees responsible for such safety sensitive functions, for use of alcohol or a controlled substance in violation of law or Federal regulation. Nothing in this subsection shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any rules, regulations, standards, and orders governing the use of alcohol and controlled substances in railroad operations issued before the date of enactment of this subsection.

“(2) In carrying out the provisions of this subsection, the Secretary shall develop requirements which shall—

“(A) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

“(B) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

“(i) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this subsection, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

“(ii) establish the minimum list of controlled substances for which individuals may be tested; and

“(iii) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this subsection;

“(C) require that all laboratories involved in the controlled substances testing of any employee under this subsection shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

“(D) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any employee shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

“(E) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the confirmation test;

“(F) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

“(G) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this subparagraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this subsection; and

“(H) ensure that employees are selected for tests by non-discriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

Regulations.

“(3) The Secretary shall issue rules, regulations, standards, or orders setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of railroad employees responsible for safety-sensitive functions (as determined by the Secretary) in need of assistance in resolving problems with the use, in violation of law or Federal regulation, of alcohol or a controlled substance. Each railroad is encouraged to make such a program available to all of its employees in addition to those employees responsible for safety sensitive functions. The Secretary shall determine the circumstances under which such employees shall be required to participate in such program. Nothing in this paragraph shall preclude a railroad from establishing a program under this paragraph in cooperation with any other railroad.

“(4) In carrying out the provisions of this subsection, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

“(5) For the purposes of this subsection, the term ‘controlled substance’ means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Secretary.”

TESTING TO ENHANCE MOTOR CARRIER SAFETY

SEC. 5. (a)(1) The Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.) is amended by adding at the end the following new section:

“SEC. 12020. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

49 USC app.
2717.

“(a) REGULATIONS.—The Secretary shall, in the interest of commercial motor vehicle safety, issue regulations within twelve months after the date of enactment of this section. Such regulations shall establish a program which requires motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of the operators of commercial motor vehicles for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Secretary may also issue regulations, as the Secretary considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such operators for such use in violation of law or Federal regulation.

“(b) TESTING.—

“(1) POST-ACCIDENT TESTING.—In issuing such regulations, the Secretary shall require that post-accident testing of the operator of a commercial motor vehicle be conducted in the case of any accident involving a commercial motor vehicle in which occurs loss of human life, or, as determined by the Secretary, other serious accidents involving bodily injury or significant property damage.

“(2) TESTING AS PART OF MEDICAL EXAMINATION.—Nothing in subsection (a) of this section shall preclude the Secretary from providing in such regulations that such testing be conducted as part of the medical examination required by subpart E of part 391 of title 49, Code of Federal Regulations, with respect to those operators of commercial motor vehicles to whom such part is applicable.

“(c) PROGRAM FOR REHABILITATION.—The Secretary shall issue regulations setting forth requirements for rehabilitation programs which provide for the identification and opportunity for treatment of operators of commercial motor vehicles who are determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance. The Secretary shall determine the circumstances under which such operators shall be required to participate in such program. Nothing in this subsection shall preclude a motor carrier from establishing a program under this subsection in cooperation with any other motor carrier.

Regulations.

“(d) PROCEDURES FOR TESTING.—In establishing the program required under subsection (a) of this section, the Secretary shall develop requirements which shall—

“(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

“(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

“(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

“(B) establish the minimum list of controlled substances for which individuals may be tested; and

“(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

“(3) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

“(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

“(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the confirmation test;

“(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

“(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

“(8) ensure that employees are selected for tests by non-discriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

“(e) EFFECT ON OTHER LAWS AND REGULATIONS.—

“(1) STATE AND LOCAL LAW AND REGULATIONS.—No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations issued under this section, except that the regulations issued under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to commercial motor vehicle employees, or to the general public.

“(2) OTHER REGULATIONS ISSUED BY SECRETARY.—Nothing in this section shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any regulations governing the use of alcohol or controlled substances by commercial motor vehicle employees issued before the date of enactment of this section.

“(3) INTERNATIONAL OBLIGATIONS.—In issuing regulations under this section, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

“(f) APPLICATION OF PENALTIES.—

“(1) EFFECT ON OTHER PENALTIES.—Nothing in this section shall be construed to supersede any penalty applicable to the operator of a commercial motor vehicle under this title or any other provision of law.

“(2) DETERMINATION OF SANCTIONS.—The Secretary shall determine appropriate sanctions for commercial motor vehicle operators who are determined, as a result of tests conducted and confirmed under this section, to have used, in violation of law or Federal regulation, alcohol or a controlled substance but are not under the influence of alcohol or a controlled substance, as provided in this title.

“(g) DEFINITION.—For the purposes of this section, the term ‘controlled substance’ means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Secretary.”

(2) The table of contents of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570; 100 Stat. 5223) is amended by adding at the end thereof the following:

“Sec. 12020. Alcohol and controlled substances testing.”

(b)(1) The Secretary of Transportation shall design within nine months after the date of enactment of this Act, and implement within fifteen months after the date of enactment of this Act, a pilot test program for the purpose of testing the operators of commercial motor vehicles on a random basis to determine whether an operator has used, in violation of law or Federal regulation, alcohol or a controlled substance. The pilot test program shall be administered as part of the Motor Carrier Safety Assistance Program.

49 USC app.
2717 note.

(2) The Secretary shall solicit the participation of States which are interested in participating in such program and shall select four States to participate in the program.

(3) The Secretary shall ensure that the States selected pursuant to this subsection are representative of varying geographical and population characteristics of the Nation and that the selection takes into consideration the historical geographical incidence of commercial motor vehicle accidents involving loss of human life.

(4) The pilot program authorized by this subsection shall continue for a period of one year. The Secretary shall consider alternative methodologies for implementing a system of random testing of operators of commercial motor vehicles.

(5) Not later than thirty months after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a comprehensive report setting forth the results of the pilot program conducted under this subsection. Such report shall include any recommendations of the Secretary concerning the desirability and

Reports.

implementation of a system for the random testing of operators of commercial motor vehicles.

(6) For purposes of carrying out this subsection, there shall be available to the Secretary \$5,000,000 from funds made available to carry out section 404 of the Surface Transportation Assistance Act of 1982 (49 App. U.S.C. 2304) for fiscal year 1992.

(7) For purposes of this subsection, the term "commercial motor vehicle" shall have the meaning given to such term in section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2716(6)).

TESTING TO ENHANCE MASS TRANSPORTATION SAFETY

SEC. 6. (a) As used in this section, the term—

(1) "controlled substance" means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) whose use the Secretary has determined has a risk to transportation safety;

(2) "person" includes any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States, or any State, territory, district, or possession thereof, or of any foreign country;

(3) "Secretary" means the Secretary of Transportation; and

(4) "mass transportation" means all forms of mass transportation except those forms that the Secretary determines are covered adequately, for purposes of employee drug and alcohol testing, by either the Federal Railroad Safety Act of 1970 (45 U.S.C. 431 et seq.) or the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701 et seq.).

(b)(1) The Secretary shall, in the interest of mass transportation safety, issue regulations within twelve months after the date of enactment of this Act. Such regulations shall establish a program which requires mass transportation operations which are recipients of Federal financial assistance under section 3, 9, or 18 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1602, 1607a, or 1614) or section 103(e)(4) of title 23, United States Code, to conduct preemployment, reasonable suspicion, random, and post-accident testing of mass transportation employees responsible for safety-sensitive functions (as determined by the Secretary) for use, in violation of law or Federal regulation, of alcohol or a controlled substance. The Secretary may also issue regulations, as the Secretary considers appropriate in the interest of safety, for the conduct of periodic recurring testing of such employees for such use in violation of law or Federal regulation.

(2) In issuing such regulations, the Secretary shall require that post-accident testing of such a mass transportation employee be conducted in the case of any accident involving mass transportation in which occurs loss of human life, or, as determined by the Secretary, other serious accidents involving bodily injury or significant property damage.

(c) The Secretary shall issue regulations setting forth requirements for rehabilitation programs which provide for the identification and opportunity for treatment of mass transportation employees referred to in subsection (b)(1) who are determined to have used, in violation of law or Federal regulation, alcohol or a controlled substance. The Secretary shall determine the circumstances under which such employees shall be required to partici-

49 USC app.
1618a.

Regulations.

Regulations.

pate in such program. Nothing in this subsection shall preclude a mass transportation operation from establishing a program under this section in cooperation with any other such operation.

(d) In establishing the program required under subsection (b), the Secretary shall develop requirements which shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

(B) establish the minimum list of controlled substances for which individuals may be tested; and

(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(4) provide that all tests which indicate the use, in violation of law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within three days after being advised of the results of the confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(e)(1) No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations issued under this section, except that the regulations issued under this section shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to mass transportation employees, or to the general public.

(2) Nothing in this section shall be construed to restrict the discretion of the Secretary to continue in force, amend, or further supplement any regulations governing the use of alcohol or controlled substances by mass transportation employees issued before the date of enactment of this Act.

(3) In issuing regulations under this section, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

(f)(1) As the Secretary considers appropriate, the Secretary shall require—

(A) disqualification for an established period of time or dismissal of any employee referred to in subsection (b)(1) who is determined to have used or to have been impaired by alcohol while on duty; and

(B) disqualification for an established period of time or dismissal of any such employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law or any regulations.

(2) Nothing in this section shall be construed to supersede any penalty applicable to a mass transportation employee under any other provision of law.

(g) A person shall not be eligible for Federal financial assistance under section 3, 9, or 18 of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1602, 1607a, or 1614) or section 103(e)(4) of title 23, United States Code, if such person—

(1) is required, under regulations prescribed by the Secretary under this section, to establish a program of alcohol and controlled substances testing; and

(2) fails to establish such a program in accordance with such regulations.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1992".

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.R. 2942:

HOUSE REPORTS: Nos. 102-156 (Comm. on Appropriations) and 102-243 (Comm. of Conference).

SENATE REPORTS: No. 102-148 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

July 24, considered and passed House.

Sept. 17, considered and passed Senate, amended.

Oct. 9, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments.

Oct. 16, Senate agreed to conference report; concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Oct. 28, Presidential statement.

Public Law 102-144
102d Congress

Joint Resolution

Oct. 28, 1991
[H.J. Res. 340]

To designate October 19 through 27, 1991 as "National Red Ribbon Week for a Drug-Free America".

- Whereas alcohol and other drug abuse has reached epidemic proportions and is of major concern to all Americans;
- Whereas alcohol and other drug abuse is a major public health threat and is one of the largest causes of preventable disease, disability and death in the United States today;
- Whereas illegal drug use is not limited to persons of a particular age, gender, or socioeconomic status;
- Whereas the drug problem appears to be insurmountable, but the United States has begun to lay the foundation to combat the use of illegal drugs;
- Whereas the United States must continue the important strides made to combat alcohol and other drug abuse;
- Whereas it has been demonstrated through public opinion polls that the American people consider drug abuse one of the most serious domestic problems facing the United States and have begun to take steps against it;
- Whereas the National Federation of Parents for Drug Free Youth has declared October 19–October 27, 1991 as "National Red Ribbon Week", has organized the National Red Ribbon Campaign to coordinate the week's activities, has established the theme, "Neighbors—Drug Free and Proud" for the week, and has called for a comprehensive public awareness, prevention, and education program involving thousands of parent and community groups across the country;
- Whereas the National Red Ribbon Campaign is headed by President and Mrs. George Bush and national honorary chairmen;
- Whereas any use of an illegal drug is unacceptable and the illegal use of a legal drug cannot be tolerated; and
- Whereas alcohol and other drug abuse destroys lives, spawns crime, undermines our economy, and threatens our security as a Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

- (1) the period of October 19–27, 1991 is designated as "National Red Ribbon Week for a Drug Free America";
- (2) the President is authorized and directed to issue a proclamation calling on the people of the United States—
 - (A) to observe the week by holding conferences, meetings and other activities to support community and alcohol education, and with other appropriate activities, events and educational campaigns; and
 - (B) both during the week and thereafter, to wear and display red ribbons to present and symbolize commitment to a healthy, drug-free life style, and to develop an attitude of intolerance concerning the use of drugs; and

(3) Congress recognizes and commends the hard work and dedication of concerned parents, youth, law enforcement officials, educators, business leaders, religious leaders, private sector organizations, and Government leaders in combatting the abuse of alcohol and other drugs.

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.J. Res. 340:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 17, considered and passed House.
Oct. 22, considered and passed Senate.



Public Law 102-145
102d Congress

Joint Resolution

Oct. 28, 1991
[H.J. Res. 360]

Making further continuing appropriations for the fiscal year 1992, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1992, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1991 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992;

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 201 of Public Law 99-64 and section 701 of the United States Information and Educational Exchange Act of 1948;

The Department of Defense Appropriations Act, 1992, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1992;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1992;

The Military Construction Appropriations Act, 1992;

The Department of Transportation and Related Agencies Appropriations Act, 1992;

The Treasury, Postal Service, and General Government Appropriations Act, 1992; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1991, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1991, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

(c) Whenever an Act listed in this section has been passed by only the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991: *Provided*, That where an item is funded in applicable appropriations Acts for the fiscal year 1991 and not included in the version passed by the House as of October 1, 1991, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1991, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1991.

Sec. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1991 or prior years, for the increase in production rates above those sustained with fiscal year 1991 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1991, except projects, activities, operations, or organizations relating to "Operation Desert Shield/Desert Storm": *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

Sec. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

Sec. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume

any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1991.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1991, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

Termination
date.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to section 101 of this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) November 14, 1991, except for the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1992, for which date shall be March 31, 1992, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in any appropriations Act for the fiscal year 1992 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

38 USC 1710
note.

SEC. 111. Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) shall remain in effect through the period covered by this joint resolution.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the National Science Foundation's United States Antarctic Logistical Support Activities

account shall be maintained at the current rate of operations.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Federal Communications Commission's Salaries and Expenses account shall be maintained at the current rate of operations.

Approved October 28, 1991.

LEGISLATIVE HISTORY—H.J. Res. 360:

HOUSE REPORTS: No. 102-266 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Oct. 24, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Oct. 28, Presidential statement.

Public Law 102-146
102d Congress

Joint Resolution

Oct. 28, 1991

[S.J. Res. 131]

Designating October 1991 as "National Down Syndrome Awareness Month".

- Whereas a more enlightened attitude has emerged during the past 15 years in the care and training of the developmentally disabled; Whereas one disability which has undergone considerable reevaluation is Down syndrome;
- Whereas approximately 4,000 babies are born with Down syndrome annually in the United States;
- Whereas, until recently, Down syndrome was stigmatized as a mentally and physically retarding condition that required institutionalization and restricted its victims to lives of passivity;
- Whereas remaining ignorance, prejudices, myths, and stereotypes regarding Down syndrome can be overcome only through increased awareness and education;
- Whereas, through the efforts of concerned physicians, teachers, and parent groups, such as the National Down Syndrome Congress and the National Down Syndrome Society, programs are being put into place to educate the parents of babies with Down syndrome, to develop special education classes for individuals with Down syndrome within mainstreamed school programs, to provide vocational training for individuals with Down syndrome in preparation for entering the workforce, and to prepare young adults with Down syndrome for independent living in the community;
- Whereas the television medium has greatly augmented such efforts by casting actors with Down syndrome and offering programming that demonstrates to hundreds of thousands of viewers in a positive and educational manner the everyday, personal, and family effects of living with Down syndrome;
- Whereas the cost of programs designed to help individuals with Down syndrome enter their rightful place in society as productive citizens is a small fraction of the cost of institutionalization;
- Whereas advancements in genetic research are also offering a brighter outlook for individuals born with Down syndrome; and
- Whereas the many children with Down syndrome who attend regular schools, play on Little League teams, and enjoy basketball and golf demonstrate daily the success that people with Down syndrome are able to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1991 is designated as "National Down Syndrome Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Approved October 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 131:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Oct. 1, considered and passed Senate.
Oct. 17, considered and passed House.

Public Law 102-147
102d Congress

Joint Resolution

Oct. 28, 1991
[S.J. Res. 192]

Designating October 30, 1991 as "Refugee Day".

- Whereas in the past decade, the plight of refugees world wide has been deepening as the world refugee population has more than doubled from 7,300,000 to 16,000,000;
- Whereas more than 80 percent of these refugees are women and children;
- Whereas one-third of the refugee population is found in Africa where the host countries have the weakest infrastructure and are the least able to sustain such large numbers of destitute people in flight;
- Whereas the international effort to respond to the refugee crisis worldwide with the formulation of the United Nations Convention on Refugees and the founding of the Office of the United Nations High Commissioner for Refugees (UNHCR) marks its fortieth anniversary in 1991;
- Whereas the United States has always played a leading role in refugee matters worldwide;
- Whereas the origins of the United States as a land of refuge for those escaping persecution and the development of the United States as a nation of immigrants gives the country a deep understanding of and sympathy for the plight of the 16,000,000 refugees in the world;
- Whereas refugees who have come to the United States have made significant contributions to the country;
- Whereas the United States has consistently encouraged other countries to expand the effort to help the needy population of refugees and has worked to find both short-term and long-term solutions to the refugee crisis; and
- Whereas the current world refugee situation requires that the United States continue to be a leader in refugee affairs and in the efforts to meet the growing challenges of the refugee crisis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

- (1) October 30, 1991 is designated as "Refugee Day"; and
- (2) the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Approved October 28, 1991.

LEGISLATIVE HISTORY—S.J. Res. 192:

CONGRESSIONAL RECORD, Vol. 137 (1991):
Aug. 2, considered and passed Senate.
Oct. 24, considered and passed House.



Public Law 102-148
102d Congress

An Act

Oct. 30, 1991
[H.R. 470]

To authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF CERTAIN RESTRICTIONS.

(a) **RELEASE.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 29, 1947), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 U.S.C. App. 1622c), and the provisions of subsection (c), to grant a release or releases, without monetary consideration, with respect to the restrictions, requirements, and conditions imposed on the property described in subsection (b) by a quitclaim deed conveying such property to the city of Gary, Lake County, Indiana, dated May 29, 1947.

(b) **DESCRIPTION OF PROPERTY.**—Those lands incorporated in the Reconstruction Finance Corporation project known as Tracts A and C of Plancer 1035, Rubber Synthetics, Gary, Indiana (WAA No. R-Ind. 6), legally described as follows:

That part of the east one-half of section 35, township 37, range 9 west of the second principal meridian, lying between the C.L.S. & E. Railroad and the Grand Calumet River, and that part of the west one-half of section 36, township 37, range 9 west, lying between United States Highway 12 and the Grand Calumet River, and that part of the southeast quarter of section 36, township 37, range 9 west, lying between United States Highway 12 and the Grand Calumet River, and that part of the southeast quarter of section 26, township 37, range 9 west, lying between the C.L.S. & E. Railroad and United States Highway 12, all in the city of Gary, Lake County, Indiana. Tract A is composed of 476.885 acres, and Tract C is composed of 133.971 acres. Total area is approximately 610 acres, with all its appurtenances, being a part of the same property acquired by the Defense Plant Corporation under that certain warranty deed executed by the Gary Land Company, an Indiana corporation, dated August 25, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on October 9, 1942, as document number 742127, in book number 666, page 278, and that certain warranty deed executed by the Elgin, Joliet and Eastern Railroad Company, an Illinois and Indiana corporation, dated December 22, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on December 23, 1942, as document number 82584, in book 670, page 68.

(c) **LIMITATION ON USE OF AMOUNTS RECEIVED.**—Any amounts received by the city of Gary, Indiana, for use of property governed by a release granted by the Secretary of Transportation under this section shall be used by the city for development, improvement, operation, or maintenance of the Gary Regional Airport.

Approved October 30, 1991.

LEGISLATIVE HISTORY—H.R. 470:

HOUSE REPORTS: No. 102-102 (Comm. on Public Works and Transportation).

SENATE REPORTS: No. 102-193 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 24, considered and passed House.

Oct. 23, considered and passed Senate.

Public Law 102-149
102d Congress

Joint Resolution

Oct. 30, 1991
[S.J. Res. 160]

Designating the week beginning October 20, 1991, as "World Population Awareness Week".

Whereas the population of the world today exceeds 5,000,000,000 and is growing at an unprecedented rate of approximately 90,000,000 per year;

Whereas virtually all of this growth is occurring in the poorest countries, those countries least able to provide even basic services for their current citizens;

Whereas the demands of growing populations have contributed substantially to enormous environmental devastation and pose threats of even greater harm to the world;

Whereas one-half of the 10,000,000 infant deaths and one-quarter of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded;

Whereas research reveals that one-half of the women of reproductive age in the developing world want to limit the size of their families but lack the means or ability to gain access to family planning;

Whereas the global community has for more than 20 years recognized that it is a fundamental human right for people to voluntarily and responsibly determine the number and spacing of their children and the United States has been a leading advocate of this right;

Whereas the demands of growing populations force many countries to borrow heavily and sell off their natural resources to cover the interest on their debt;

Whereas selling off natural resources in such circumstances often causes irretrievable losses, such as the destruction of the tropical rain forests at a rate of 50,000 acres per day;

Whereas the reliance of a rapidly growing world population on burning fuels is a critical factor in the emission of carbon dioxide into the atmosphere, which many scientists believe has already catalyzed a warming of the Earth's climate;

Whereas pollution is damaging the ozone layer to such an extent that within 40 years the amount of ultraviolet light reaching our planet is expected to increase by as much as 20 percent; and

Whereas in 1990, the President proclaimed "World Population Awareness Week" nationally, and 38 State Governors proclaimed "World Population Awareness Week" in their respective States, to call attention to the consequences of rapid population growth, and the Congress also passed a resolution to that effect: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 20, 1991, is designated as "World Population Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Approved October 30, 1991.

LEGISLATIVE HISTORY—S.J. Res. 160:

CONGRESSIONAL RECORD, Vol. 137 (1991):

Oct. 8, considered and passed Senate.

Oct. 22, considered and passed House.



Public Law 102-150
102d Congress

An Act

Oct. 31, 1991

[H.R. 1720]

To amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to capital improvements necessary for the delivery of mental health services in the District, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of
Columbia
Mental Health
Program
Assistance Act
of 1991.

24 USC 225 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Mental Health Program Assistance Act of 1991".

SEC. 2. CAPITAL IMPROVEMENTS RELATING TO MENTAL HEALTH SERVICES IN THE DISTRICT OF COLUMBIA.

24 USC 225b.

Section 4(f)(2) of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (sec. 32-623(f)(2), D.C. Code) is amended—

(1) in subparagraph (A), by striking "and complete" and inserting "and, except as provided under an agreement entered into pursuant to subparagraph (C), complete"; and

(2) by adding at the end the following new subparagraph:
"(C) The Secretary may enter into an agreement with the Mayor under which the Secretary shall provide funds to the Mayor to complete the repairs and renovations described in subparagraph (A) and to make other capital improvements that are necessary for the safe and cost effective delivery of mental health services in the District, except that \$7,500,000 of the funds provided to the Mayor under such an agreement shall be used to make capital improvements to facilities not located at Saint Elizabeths Hospital. Of the \$7,500,000 provided for improvements to facilities not located at the Hospital, not less than \$5,000,000 shall be used to make capital improvements to housing facilities for seriously and chronically mentally ill individuals."

SEC. 3. EXTENSION OF DEADLINE FOR DISTRICT ASSUMPTION OF MENTAL HEALTH FUNCTIONS, RESOURCES, AND PROGRAMS.

24 USC 225,
225b.

(a) **IN GENERAL.**—The Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (sec. 32-621 et seq., D.C. Code) is amended by striking "October 1, 1991," and inserting "October 1, 1993," each place it appears in section 2(b)(1) and subsections (a)(2) and (f)(2)(A) of section 4.

24 USC 225f.

(b) **CONGRESSIONAL AUTHORIZATION OF TRANSFER OF SAINT ELIZABETHS CAMPUS TO DISTRICT; SUBMISSION OF MASTER PLAN FOR USE OF REAL PROPERTY.**—Section 8(b) of such Act (sec. 32-627, D.C. Code) is amended—

(1) by striking "October 1, 1991" and inserting "October 1, 1992"; and

(2) by striking "twelve-month" and inserting "2-year".

SEC. 4. BUY AMERICAN PROVISIONS.

The Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (sec. 32-621 et seq., D.C. Code) is amended—

- (1) by redesignating section 11 as section 12; and
- (2) by inserting after section 10 the following new section:

24 USC 225 note.

“SEC. 11. BUY AMERICAN PROVISIONS.

24 USC 225h.

“(a) The Mayor shall insure that the requirements of the Buy American Act of 1933, as amended, apply to all procurements made under this Act.

“(b) **DETERMINATION BY THE MAYOR.**—(1) If the Mayor, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the United States Trade Representative shall rescind the waiver of the Buy American Act with respect to such types of products produced in that foreign country.

“(2) An agreement referred to in paragraph (1) is any agreement, between the United States and a foreign country pursuant to which the head of an agency of the United States Government has waived the requirements of the Buy American Act with respect to certain products produced in the foreign country.

“(c) **REPORT TO CONGRESS.**—The Mayor shall submit to Congress a report on the amount of purchases from foreign entities under this Act from foreign entities in fiscal years 1992 and 1993. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

“(d) **BUY AMERICAN ACT DEFINED.**—For purposes of this section, the term ‘Buy American Act’ means title III of the Act entitled ‘An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes’, approved March 3, 1933 (41 U.S.C. 10a et seq.).

“(e) **RESTRICTIONS ON CONTRACT AWARDS.**—No contract or sub-contract made with funds authorized under this title may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses, as identified by the President pursuant to (g)(1)(A) of section 305 of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(A)). Any such determination shall be made in accordance with section 305.

“(f) **PROHIBITION AGAINST FRAUDULENT USE OF ‘MADE IN AMERICA’ LABELS.**—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning,

to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract under this Act, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.”.

Approved October 31, 1991.

LEGISLATIVE HISTORY—H.R. 1720:

HOUSE REPORTS: No. 102-91 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 137 (1991):

June 11, considered and passed House.

Oct. 16, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):
Oct. 31, Presidential statement.